MINUTES

OF THE

ENVIRONMENTAL PROTECTION COMMISSION

MEETING

FEBRUARY 16, 2004

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Kathryn Murphy at 10:00 a.m. on Monday, February 16, 2004, in the Ingram Office Building, Urbandale, Iowa.

MEMBERS PRESENT

Lisa Davis Cook, Secretary
Lori Glanzman
Kathryn Murphy, Chair
Darrell Hanson, Vice Chair – arrived at approximately 10:05
Francis Thicke
Terrance Townsend
Jerry Peckumn
Heidi Vittetoe – arrived at approximately 10:45
Donna Buell

MEMBERS ABSENT

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Withdraw: Item 15a has been settled – Louisa Regional Solid Waste Agency – solid waste/penalty – Referrals to Attorney General
- Add: Appointment – 1:00 Eldon McAfee, Attorney for Lawrence Handlos – Item 15b - Referrals to the Attorney General

Motion was made by Lori Glanzman to approve the agenda as amended. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Kathryn Murphy requested that the public hearings for the phosphorus rules should be included in the January minutes:

- February 17, 2004 at 7PM at Iowa Lakes Community College's Gateway North Center, located at 1900 North Grand Avenue in Spencer, Iowa.
- February 25, 2004 at 7PM at Iowa Western Community College, located at 906 Sunnyside Lane in Atlantic, Iowa.
- March 3, 2004 at 6 PM at the Mason City Public Library, located at 225 2nd Street SE in Mason City, Iowa.
- March 8, 2004 at 6:30 PM at the Davenport Public Library, located at 321 Main Street in Davenport, Iowa.

- March 11, 2004 at 7 PM at the Urbandale Public Library, located at 3520 86th Street in Urbandale, Iowa.

Jay Eaton requested the Commission include the information that was omitted that was provided by Robert Baughman and others who spoke in favor of having scientifically based TDS and chloride levels.

Motion was made by Darrell Hanson to approve the minutes as amended. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS AMENDED

DIRECTOR'S REPORT

Jeff Vonk said that the state owes $112 million in back taxes and the funding for the Environment First program is under the infrastructure accounts. The immediate impact is that we were given guidance by the Department of Management late last calendar year that we needed to hold our obligations and expenses under the Environmental First account.

The Governor has proposed a $150 million of funding for the Vision Iowa program. The proposal would expand the criteria to allow projects that have a positive impact on the state's water quality to be included as a potential grant participant under Vision Iowa.

As a part of his budget, the Governor announced more detail on the $5 million requested under the Environment First. The additional $5 million is to fund some of the priorities that came out of the consensus recommendations from the water quality summit.

INFORMATIONAL ONLY

MOA REGARDING COMMUNICATION UPGRADE TO FIBER FOR AIR QUALITY BUREAU

Jim McGraw, Supervisor of the Program Development Section presented the following item.

The Environmental Protection Commission will be asked to approve a memorandum of agreement (MOA) with Iowa Telecommunications Technology Commission operating the Iowa Communications Network (ICN). The purpose of the MOA is to provide for a communication upgrade to fiber and monthly network services for the Air Quality Bureau.

The current communication is setup on an OC3 owned by Qwest and costs $3,628.60 a month. The equipment managing this is out-dated and expensive to maintain, costing $850 a month.

The current technology does not allow for any future growth or scalability in communication throughput. ICN has migrated away from this type of service at most all other locations that they provide service to and has upgraded to fiber. Upgrading to fiber will provide opportunities for future growth and scalability in communication throughout.

The total cost to upgrade to fiber is estimated to be $43,398.88. Funding for the upgrade to fiber will come from Federal 105 money with general fund match (cost center 7220); with the remainder coming from Title V fee money (cost center 7230) left over at the end of SFY 2003. The split for cost centers 7220 and 7230 will be $14,000 and $29,398.88, respectively. The cost for monthly service will decrease by approximately $2,600 a month as a result of the upgrade, allowing the investment for the upgrade to be recouped in approximately 1.38 years. The total monthly service costs after upgrade will be $1,863.

The upgrade completion date is set for March 15, 2004. The duration of the MOA upon execution is six (6) years and will automatically renew for one-year periods unless written notice is provided to the contrary.

Motion was made by Darrell Hanson to approve the item as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

AIR DISPERSION MONITORING PRESENTATION

Bryan Bunton, Environmental Specialist gave a PowerPoint presentation on the modeling overview of Air Dispersion Monitoring.

What is a model?

- A set of mathematical equations that attempt to simulate (model) the transport, diffusion, chemical and physical interactions, and removal of pollutants in the atmosphere.
- Model solutions are expressed as concentrations for some time period at locations referred to as receptors.

Where do models come from?

- US EPA
- Other government agencies
    - Military, DOE, DOT
- Academia
- Private Developers

Benefits of Modeling

- Can estimate air quality anywhere/everywhere
- Less costly than monitoring
- Determine impacts/options prior to action
- Evaluate many options

Difficulties of Modeling
- Garbage In = Garbage Out
- Physical and chemical formulations not perfect
- Complexity and variety of models

Local Scale Dispersion Modeling
- Less than 50km
- Determine ambient impacts from one or more facilities
- Used primarily to support construction permitting, but also for state implementation plans and maintenance areas where applicable
- Currently using ISCT3, migrating to AERMOD
- Model calculates pollutant concentration at virtual "monitors" (receptors) every hour over a five year period of historical meteorological data

Point Source Data
- Stack location
- Stack height and diameter
- Stack gas temperature and velocity
- Pollutant release rate (mass/time)

Hourly Meteorological Data
- Wind speed and direction
- Ambient air temperature
- Stability class
- Mixing height
- Precipitation and pressure (optional)

ISCST3 Features
Industrial Source Comples Short Term V.3
- Point, area, volume and pit emission types
- Building downwash (BPIP)
- Simple or complex terrain
- Emission factors (season, hour of day, etc)
- Multiple averaging periods
- Urban or rural dispersion
- Source grouping
- Various output options

Standard Procedure
- Engineer determines modeling need
- Facility design manually "built" into the model
    - Buildings, emission points, emission parameter
- Local environment established in the model
    - Meteorology, terrain, land use, nearby sources

- Model parameters set as necessary
    - Averaging periods, output types, source groups
- Receptor grid

(A handout of the complete presentation is available in the Department's Record Center.)

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

SENATOR MARK ZIEMAN, from Postville, Iowa said that the DNR should slow things down when it comes to generating new rules. Implementation and cost benefit analysis should be reviewed before rule making. We need to make sure that these rules keep the environment clean and a balance that keeps our businesses and people in the state. We need to be sure that we have fair and legitimate standards and that we have exhausted every effort to establish levels that provide a health benefit and yet do not bankrupt our communities and businesses. I am concerned that the EPC has not followed the advice of the technical advisory committee.

MARK HALBE, with AgriProcessors said that Iowa Best Beef program would be directly affected by the decisions that you make. The Governor made a comment about two years ago about our agriculture products. He made a good point of saying that we need to add value to our products. We need to stick with value added growth in Iowa.

We would like you to be aware and to realize the impacts of the new requirements that you are proposing today.

CHAIM ABRAHAMS, from Postville, Iowa. I am an employee of Postville. We are asking that the 2,400 limits that the DNR accepted for our wastewater plant. No one was able to prove that any damage could be done to the environment if you go below 2,400. Please remember that we are part of the environment of North East Iowa.

JERRY ANDERSON, representing Midwest Environmental Justice Advocates said that he objected last month to the proposed new chloride standard of 1500 mg/l for general use waters. In addition to the concerns raised last time, I would like to emphasize today that the Department proposed this standard without considering the impact on groundwater caused when chloride is discharged into a losing stream. As I stated last month, we are already seeing impacts on groundwater drinking wells because of salt water discharges into Hecker Creek. One well sample from the Duval well indicates chloride at 140 mg/l, already well over EPA recommendations for drinking water. At the same time, the Department has determined that 250 mg/l is an appropriate level for chloride in surface water used for drinking. It only makes sense that groundwater used for drinking should be similarly protected.

We propose the following amendment to the Department's proposed rule:

Amend subrule 61.3(2), paragraph "g", to add the following sentence: **Discharges into losing stream segments shall not exceed 250 mg/h of chloride.**

Iowa's pathbreaking Groundwater Protection Act mandates that state agencies act "to prevent contamination of groundwater from point and nonpoint sources of contamination to the maximum extent practicable." Iowa Code 455E.4/ The Act further states that "all persons in the state have the right to have their lawful use of groundwater unimpaired by the activities of any person that would render the water unsafe or unpotable." Iowa Code 455E.5. Iowa Code 455E.10 declares that all state agencies, which of course includes the IDNR and the EPC, "shall consider (these) groundwater protection policies in the administration of their programs."

There is a precedent for setting a separate standard for losing streams. In 1989, in response to the Groundwater Protection Act, the EPC amended the water quality standards to provide additional protection for losing stream segments against bacterial contamination:

> h. The Escherichia coli (E coli) content of water which enters a sinkhole or losing stream segment, regardless of the water body's designated use, shall not exceed a Geometric Mean value of 126 organisms/100 ml or a sample maximum value of 235 organism/100 ml. No new wastewater discharges will be allowed on water courses which directly or indirectly enter sinkholes or losing stream segments.

Iowa Admin Code, Section 61.3(2)h.

We urge you to ensure that the standard you adopt today will protect the groundwater.

DAVID FOX, from Fox Engineering in Ames, Iowa made the following recommendations concerning Chapter 61, Water Quality Standards:

1) Give careful consideration to the work of the Advisory Committee.
2) Not to try to solve all of the problems of the world with one issue. Deal only with the items that have been presented and those open for public comment. Much more data is needed. We generally support the IDNR proposal even though we do not agree with all information presented.
3) We would like to see a chronic chloride limit at 564 mg/l and 372 mg/l for streams. And leave the lower number for lakes. The general use criteria should be higher than 1,500.
4) We encourage you to postpone any consideration for applying these standards until the Advisory Council has had the opportunity to review those details.

KAREN NACHTMAN, with the Iowa Association of Municipal Utilities in Ankeny, Iowa said that IAMU is in general support of the proposed rules. Replacing the current TDS numerical criteria of 750 mg/l with a site specific approach would allow for testing to determine the TDS concentration in receding streams. We would recommend that the Commission adopt the rules are presented with the input of the water quality standards technical advisory groups.

GARY SCHELLHORN, representing the Iowa Water Pollution Control Association said that he is concerned about the rules because we feel that there needs to be more scientific data. We are very concerned about clean water, but that it must be based on scientific data. There should be a

cost benefit analysis before moving forward with some of these issues. We are also concerned about how the rules actually come about. I would like to see the rules postponed until more scientific data is available.

KEVIN JACOBSON, Water and Wastewater superintendent in Story City, Iowa said that it would be easier to lower a limit than to raise a limit. I would like the Commission to allow more time for further studies before these limits are set. I would like to protect the environment but we need to make sure that the limits are proper and current.

GREGORY SINDT, representing Bolton and Menk Consulting Engineers discussed the economic impact of the DNR proposed chloride water quality standard rule revisions.

The DNR Administrative Rule Fiscal Rule Impact Statement dated July 30, 2003 includes an estimated economic impact of the proposed chloride water quality standards that is too low.

Based on the review of the data available in 2003, the DNR assumed only four to six municipalities would be impacted by the proposed chloride water quality standard. We have reviewed available water quality data and collected additional data during a January 29 through February 10, 2004 monitoring study that proves there would be very significant impacts to many more municipal dischargers.

The Total Dissolved Solids (TDS) water quality standard (1,000 mg/L TDS numerical standards applicable to all streams including General Use streams) proposed in Commissioner Hanson's tabled January 20, 2004 motion would have monumental impacts on many dischargers.

Cities with water supplies that have natural hardness greater than 400 mg/L (as calcium carbonate), use either home water softeners or central ion exchange softening, and discharge to small receiving streams will not comply with the DNR proposed 372 mg/L chronic chloride standard.

There are 266 cities with greater than 400 mg/L TDS in their drinking water supplies. Many of these cities will not meeting Commissioner Hanson's January 20, 2004 proposed 1,000 mg/L standard at eh 7Q10 low stream flow. In fact, the discharge of the drinking water from many of these cities would violate the proposed TDS standard.

The Iowa Geological Survey has an ongoing water quality monitoring program that includes chloride monitoring at several municipal wastewater treatment facilities. Unfortunately, the monitoring program uses grab samples, rather than 24-hour composite samples, of wastewater treatment plan discharge. Since most home water softeners discharge high chloride regeneration waste during the early morning, the grab sample results do not provide a true indication of actual 24-hour chloride concentrations. The 24-hour composite samples will have chloride concentrations that are greater than the grab samples collected during the normal work day.

The Iowa Geological Survey data indicate that eight of the forty cities that are part of the waste water grab sample study have chloride discharges that exceed the DNR proposed 372 mg/L chronic chloride standard.

We collected 24-hour composite samples of wastewater discharge from 20 municipal wastewater treatment facilities with hard water supplies located throughout the state during January 29 through February 10. We also collected grab samples of water from each of these facilities. The samples were analyzed by a State certified laboratory for TDS and chloride.

A map showing the locations of cities that participated in our monitoring program and those cities with greater than 1,000 mg/L TDS in the water supply as well as our test results are provided with the documentation that will become part of the record of this meeting.

Our monitoring results indicate that 13 of the twenty cities have chloride discharge concentrations in excess of the DNR proposed 372 mg/L chronic chloride standard. The concentrations ranged from 91 mg/L to 2,290 mg/L.

Our monitoring results indicate that 13 of the twenty cities have TDS concentrations in excess of Commissioner Hanson's January 20 proposed 1,000 mg/L TDS numerical standard for application to all streams.

The City of LeMars is used as one example for illustration of the economic impact of the DNR proposed 372 mg/L chronic chloride standard. The chloride concentration in the January 30 composite sample of plant discharge was 1,210 mg/L. The calculated NPDES discharge permit limit under conditions of the 7Q10 protected low flow in the Floyd River is only about 500 mg/L, or less than 42 percent of the actual January 30 discharge concentration.

The City of LeMars would probably construct a lime softening plant for treatment of the drinking water supply if required to comply with 372 mg/L chronic chloride standard. The estimated cost (based on a 2001 engineering study) for a lime softening plant at LeMars is **$11 million**. The estimated annual operating cost for a lime softening plant is **$925,000 per year**.

It is obvious that the DNR estimated total fiscal impact of only $800,000 to $4.3 million for all dischargers in the state is too low as the cost of compliance for the City of LeMars alone is $11 million plus $925,000 per year operating cost. More than 250 municipal plus several industrial dischargers, rather that 4 to 6 municipalities as assumed by DNR, will be impacted by the DNR proposed chloride standards.

The fiscal impact of the DNR proposed chloride standards, as well as Commissioner Hanson's January 20 proposed 1,000 mg/L standard, must be reevaluated based on actual wastewater discharge quality data and costs for compliance.

(A complete packet of information is available in the Department's Record Center.)

E. ROBERT BAUMANN, said that US Environmental Protection Agency required triennial review of state water quality standards. That means that every three years you have the opportunity to review new research results and to evaluate whether the current standards being applied in Iowa are sufficiently protective of Iowa's streams and lakes. If the study results indicate need for upgraded standards, then they should be upgraded.

My concern and the concern of two of my academic associates, Dr. Gary Atchison, University Professor at Iowa State University and Dr. Wesley J. Birge, Professor in Biology and Toxicology at the University of Kentucky, is that you will adopt standards based on spurious research that are more restrictive than they need be to protective our water environment. This will cause very unnecessary and excessive expense.

I have previously submitted to each EPC member an extensive discussion of the TDS and chloride water quality standards rule revisions. I am providing a copy of the report dated February 9, 2004 and bound in a three ring binder to the EPC recording secretary as a record copy.

The complete statements of aquatic toxicologists Dr. Atchison and Dr. Birge as well as the summary of professional experience for Dr. Birge are noted below as part of the record of this meeting.

Dr. Birge is an internationally recognized expert in aquatic toxicology. He has worked extensively with the US EPA and initiated the short-term early life stage toxicity tests in the 1970's that were the forerunners of the chronic test procedures now used in EPA's Whole Effluent Testing (WET) program. Dr. Birge provided most of the toxicity test data used by EPA in the development of the 1988 national chloride guidelines.

I believe the following:

1. The EPC should establish the general use criteria for chloride at 2,500 mg/L. The DNR staff policy has been to establish such a limit on a constituent based on its acute toxicity to the fathead minnow that, for chloride, is 3,285 mg/L or ½ of its actual acute toxicity of 6,570 mg/L. Others have argued, based on cited spurious research, that we need much lower levels to protect dairy cattle. Their conclusions are based on a single study using 12 Holstein dairy cows in which the herd was hit during the study by a disease, mastitis, such that three cows had to be removed from the study. The study results indicated no statistically significant difference in milk production, feed intake, or other performance indicators between the cow receiving tap water and the cows receiving saline water. There was not even a statistically significant difference in free choice salt intake. In fact, the National Academy of Sciences and other researchers found the safe concentration of sodium chloride for beef and diary cattle to be 9,000 to 10,000 mg/L, a minimum level of 5,400 mg/L chloride.
2. The DNR staff and the EPC should review the water quality effects of chloride and other constituents of TDS during the next EPA mandated triennial review of the water quality standards.
3. The EPC should request DNR staff to revise their erroneous economic impact analysis of the proposed new standards.

Dr. Birge, Dr. Atchinson and I agree on the on the following points:

1. The EPC should delete any numerical limit on TDS from the State water quality standards and allow DNR staff, as they recommend, to use a 1,000 mg/L TDS level as a guideline to require both a mineral analysis and WET results so that, if toxicity is demonstrated, limits can be set on the toxic constituent of the TDS.

Dr. Atchison states:

"I would also like to voice my support for the proposal to use a site specific approach to total dissolved solids (TDS). I do not see TDS as amenable to standard toxicity testing of the development of scientifically defensible numerical criteria based on the approach discussed above for chloride. TDS represents an extremely variable mixture of chemical, so no toxicity test would provide data that would apply broadly across the state."

2. The use of an acute criterion for chloride of 860 mg/L as proposed by DNR is reasonable and supportable. It is based on an actual level of 1,720 mg/L divided by two.
3. The chronic criterion for chloride should be established at 564 mg/L for Iowa streams and 372 mg/L for Iowa lakes.

Dr. Wesley Birge in the attached memo states:

"Based on the available information, I feel that establishing a chronic aquatic life criterion for chloride of 564 mg/L is scientifically justifiable and is protective of aquatic life, and that establishing a chronic criterion of 372 mg/L based on only one chronic test with Daphnia pulex in reconstituted water is not justified."

Wesley Birge's Comments: (submitted by E. Robert Baumann)

The following comments are given relative to the establishment of freshwater criteria for the regulation of "chlorides" to preserve aquatic populations and communities.

1. I hold full professionship status in two different departments at the University of Kentucky, including the Graduate Center for Toxicology and the Department of Biology. The latter in is in the College of Arts and Sciences. The Toxicology Center has been placed in the "top twenty: toxicology programs in the US by the National Research Council. A summary of my professional experience is attached.
2. This statement concerns the adoption of aquatic criteria for regulation of chloride pollution in the State of Iowa and is in response to the proposal submitted by E.R. Baumann.
3. After careful study of the proposal by Dr. Baumann, I am in full agreement with their approach and conclusions.
4. Their recommendation of 564 mg/L chloride for the protection of chronic effects on aquatic biota in stream systems is particularly important and agrees with our data. The value of 372 mg chloride/L for lakes and impoundments is somewhat conservative but should be suitable for implementation.
5. US EPA proposed a chronic value of 230 mg chloride/L. This was based solely on laboratory toxicity tests and acute-chronic ratios. The former most always overestimates risk and the ratios are clearly invalid. The basic mechanisms involved in acute toxicity most always are significantly different from those involved in chronic toxicity.
6. The basis for my opinions in this matter stems largely from our extensive laboratory and field studies with chloride pollution. Our study was undertaken at the request of the Commonwealth of Kentucky for the purpose of establishing chloride standards for freshwater systems. This involved laboratory toxicity tests with a number of aquatic species following US EPA procedures. These data were used by US PEA in developing their recommendations on chloride.

   In addition, we conducted an extensive field study on the effects of chloride from an abandoned oil well that was fed by a saline aquifer and emptied into a typical freshwater stream system in the Red River watershed of eastern Kentucky. Among other things, this involved a coordinated study of ecological

collections and field toxicity testing (i.e. mobile laboratory). Chloride was substantially less toxic under typical field conditions and the results were highly significant statistically.

7. To further evaluate the differing results, laboratory "Water Effect Ratios" were determined. This included simultaneous tests with a cladoceran. Daphnia pulex. Specifically, this involved a standard laboratory tests with reconstituted water versus a test identical in nature except natural water from a typical freshwater stream was used to house the test organisms. Chloride was at least two times less toxic in natural water and these results agreed closely with those form out field study and support of 564 mg/L suggested by Dr. Baumann. The State of Kentucky has used 600 mg/L in a wide variety of watershed systems and rivers. I know of no problems with implementation or adequate protection of aquatic biota.
8. Particular attention has been focused on trout. It is well known that most all trout and salmon species and subspecies are adaptable to changes in chloride concentrations and many can live both in fresh and sea water. The recommended chronic criterion is adequate for these species and will not kill organisms in the food web that supplies energy to them.

Gary Atchison's Comments-professor in the Department of Natural Resource Ecology and Management at Iowa State University: (submitted by E. Robert Baumann)
I am writing concerning the proposed amendments to 567-Chapter 61, "Water quality standards" of the Iowa Administrative Code.

Greg Sindt and Robert Baumann asked in June 2001 to analyze the available literature on the aquatic toxicology of TDS and chloride, and to make recommendations on appropriate water quality criteria. Between June 2001 and March 2003, I have extensively searched for and reviewed this literature, and have also obtained data from the Wisconsin State Laboratory of Hygiene. All relevant information has been shared with personnel from the Iowa DNR, and I have participated in several meetings with them discussing our assessment of their information. I will focus my comments here on two main issues, the proposed acute and chronic aquatic life criteria for chloride, and the proposed site-specific approach for establishing discharge limits for dissolved solids.

There seems to be little debate about the acute criterion of 860 mg CI/L, but there has been much discussion about the determination of a chronic criterion. I wish to briefly provide some background on the process of deriving the chronic criterion before I comment on the proposed final choice., The EPA (1988) chronic criterion was based on data from the three chronic studies available at the time, two from Birge et al. (1985) for fathead minnows and Daphnia pulex, and one from Spehar (1987 unpublished memo) for rainbow trout. The main purpose of these chronic values, as used by the EPA in establishing water quality criteria, is the development of an acute/chronic ratio (ACR). They use the ACR to express the general relationship between acute toxicity and chronic toxicity for the toxicant. This relationship (ration) is developed from a relative few studies and is then applied to the final acute value, which is derived from the four most sensitive genus acute values from the acute toxicity data set. Generally there are many more acute toxicity tests run, and therefore data available for species for which no chronic tests have been run. The EPA feels that use of an ACR is a way in which chronic values can be estimated for those more sensitive species. In the Chloride case, the four most sensitive genera used to derive the acute criterion were all invertebrates, and included Daphnia pulex, which was the most sensitive species value based upon these four genera, even though chronic tests were only done on one of the genrea. The quality and selection of the chronic data used to calculate the ACR is critical to this process.

Since the chloride criterion document (EPA 1988) was released, a number of more recent studies have become available that can help determine scientifically defensible and protective chronic values. The two most important new data sets are for the fathead minnow and Ceriodaphnia dubia (Wisconsin State Laboratory of Hygiene's Aquatic Life Toxicity Testing Laboratory, 2003). The Wisconsin State Laboratory of Hygiene routinely (about monthly) runs both acute and chronic toxicity tests with both of these species using NaCI as a reference toxicant; this is part of the lab's quality assurance program and demonstrates the consistency with which they run their tests and the health of their test animals. The Lab's standard operating procedures for these tests follow published standard methods. As of January 2003 they had run 122 fathead minnow chronic regerence toxicant tests. The mean chronic value, based on 21 tests from 17 October 2000 ro 21 January 2003 (they maintain only about 20 tests at any one time in their running average), was 1,876 mg CI/L and the main acute value, based on 20 tests from 27 November 2000 to 21 January 2003 was 4,079 mg CI/L. The ACR derived from these data is 2.17. The Ceriodapnia dubia results, based on 20 tests from 28 November 2000 to 21 January 2003, was 461 mg CI/L for the chronic endpoint and 1,530 mg CI/L for the acute, giving an ACR 3.32.

This provides a significant, new database to be used to develop a chloride ACR and the IDNR incorporated these data into their calculations (See Table 5 the IDNR's document, Public Participation Responsiveness Summary for Chapter 61 ---- December 23, 2003). IDNR chose to add the ACRs for these two species to the ACRs for rainbow trout (Spehar 1987) and Daphnia pulex (Birge et al. 1985). One value of the Wisconsin data is to demonstrate the level of variability among tests, even though the same methods are consistently used. Bu taking the mean from a large number of standard tests, the resulting chronic value, I believe, is more reliable than using data from single tests. Generally we only have minimal data to work with. Spehar had only two replicates at each exposure and ran the test only one time. Birge et al. had seven replicates (one adult animal in each replicate) at each exposure for their Daphnia pulex test and only ran that once.

Dr. Baumann and I have recommended that the Spehar ACR fro rainbow trout not be used in calculating the final chronic criterion because the data do not meet the criteria cited in the 1985 Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses (EPA – Duluth) for conditions necessary fro acceptance of test data for criteria determination. The document states "All data that are used should be available in typed, dated, and signed hard copy (publications, manuscript, letter, memorandum, etc.) with enough supporting information to indicate that acceptable test procedures were used and that results are probably reliable." Spehar (1987) consists of a copy of one hand-written page from a laboratory notebook, included as an appendix to a memo from Robert Spehar to Charles Stephan. The memo summarized and briefly (one short paragraph) described test protocol and results. Only two replicates were used in the 90-d rainbow trout study. I also note that the rainbow trout is not a very sensitive species to chlorides. Indeed, there are strains of rainbow trout, called steelhead, that are anadromous, thus spending significant amounts of time in seawater. Wisconsin did not sue the Spehar ACR in calculation of its chloride chronic criteria.

With this in mind, we calculated a final ACR of 3.05, based on the geometric mean of ACRs for fathead minnow (2.17, Wisconsin data), Ceriodaphnia dubia (3.32, Wisconsin data), and Daphnia pulex (3.95 Birge et al.). When this revised ACR, based on the available new data, is applied to the final acute value from the EPA's 1988 criterion document, the final chronic value is 564 mg CI/L. I believe that this value is protective of aquatic life.

The IDNR chose to retain the Spehar ACR, along with the Daphnia pulex ACR from Birge et al. (1985) and the ACRs for fathead minnow and Ceriodaphnia dubia from Wisconsin, to derive a calculated chronic criterion of 453 mg CI/L. They then decided that, because the chronic value from the Daphnia pulex test was 372 mg CI/L and below the value they calculated for the chronic criterion, 372 mg should be the chosen final chronic criterion to protect potentially exposed Daphnia pulex. This essentially abandoned the whole approach of using ACRs to calculate chronic values, ignores the Wisconsin data, and based on the chronic criterion on only one chronic test. I think the decision misses the point of how the ACR approach was intended to work. In addition, Daphnia pulex is a species found mainly in standing water ecosystems, and not streams where the main issue of chloride concentrations is focused.

In addition, Birge et al. (1985) recommended a chronic criterion of 600 mg CI/L, and this recommendation was accepted by the State of Kentucky, where the acute criterion is 1200 mg CI/L and the chronic criterion is 600 mg/L. Birge et al. (1985) demonstrated with further testing that the laboratory tests they ran with reconstituted water over-estimated the toxicity of chloride. They compared their acute toxicity tests on Daphnia pulex (1,470 mg CI/L) with the same test procedures but instead of using reconstituted water they used "natural" water forma control site. They found that the acute toxicity result was doubled (48-h LC50 3,050 mg CI/L) in the natural water. Based on further study in the field, they made the following statement: "On the basis of subsequent field validation studies, the chloride acute and chronic values derived from the laboratory tests in reconstituted water were judged to be too low for establishing realistic water quality criteria." It seems inappropriate to me to put so much reliance on the value of 372 mg CI/L derived from just on Daphnia pulex chronic test, especially when the authors of that study felt overestimated the toxicity of chloride in natural waters.

I would like to mention two other studies that indicate that the value of 564 mg CI/L is protective of aquatic life. Diamond et al. (1992) examined the effect on NaCI on 14-dy survival, and 7- and 14- day molt of two size classes of the may fly Stenonema modestum. This organism resides in stream. The lowest exposure concentration that had an effect on survival was 2,100 mg CI/L, with the next lower exposure concentration (1,620 mg CI/L) having no effect.

For molting, the 14 day exposure to 1,620 mg CI/L had a negative effect, but 1,200 mg CI/L had no effect. Molting is generally considered to be a sensitive indicator of exposure of effects in insects.

Lowell et al. (1995) studied the effects of NaCI on immobilization of the stream-inhabiting mayfly Baetis trivaudatus at varying current flows. Immobilization would cause the animals to drift downstream and be lost from an affected area. Drift is often considered a sensitive, early indicator of potential negative effects of stress. The 48-h exposure concentration causing immobilization of 50% of the test animals ranged between 2,844 and 3,264 mg CI/L with the animals most sensitive when no flow was provided. Again, these values are well above either the chronic or the acute criteria.

Based on the available information, I feel that establishing a chronic aquatic life criterion for chloride of 564 mg/L is scientifically justifiable and is protective of aquatic life, and that establishing a chronic criterion of 372 mg/L based on only one chronic test with Daphnia pulex in reconstituted water is not justified.

I would also like to voice my support for the proposal to use a site-specific approach to total dissolved solids (TDS). I do not see TDS as amenable to standard toxicity testing or the development of scientifically defensible numerical criteria based on the approach discusses above for chloride. TDS represents an extremely variable mixture of chemicals, so no toxicity test would provide data that would apply broadly across the state. Whole effluent toxicity testing would be an appropriate way to protect specific areas from specific discharges.

Literature Cited:

Birge, W.J.J.A., Black , A.G. Westerman, T.M. Short, S.B. Taylor, D.M. Bruser and E.D. Wallingford 1985. Recommendations on numerical values for regulating iron and chloride concentrations for the purpose of protecting warm water species of aquatic life in the commonwealth of Kentucky. School of Biological Sciences and Graduate Center for Toxicology, University of Kentucky, Lexington, Kentucky.

Diamond, J.M., W.L. Winchester, D.G. Mackler and D. Gruber, 1992. Use of mayfly Stenonema modestum (Heptageniidae) in sub acute toxicity assessments. Environmental Toxicology and Chemistry 11:415-425.

Lowell, R.B. J.M. Culp, and F.J. Wrona. 1995. Toxicity testing with articial streams: effects of differences in current velocity. Environmental Toxicology and Chemistry 14:1209-1217.

US EPA, 1988. Ambient Water Quality Criteria for Chloride – 1988. Office of Water, Regulations and Standards Criteria and Standards Division, Washington, DC 20460.

(A complete packet of information and comments made can be found in the Department's Record Center.)

CARL SITZMANN, representing GELITA USA in Sioux City. They are opposed to the proposed changes in Water Quality Standards for Chlorides and TDS in the absences of any economic impact studies or cost benefit analysis data.

GELITA USA, Sioux City serves as the headquarters for GELITA North America. The GELITA USA, Sioux City operation has three (3) gelatin manufacturing operations. One (1) operations produces pork skin gelatin and two (2) operations produce bovine bone gelatin. This facility currently employees over 280 people. This location is the largest gelatin manufacturing site in the world, and is recognized world-wide as a state of the art gelatin manufacturing operation.

GELITA USA in Sioux City is a major user of hydrochloric acid, used in the production of gelatin. As the hydro acid is consumed, it breaks down into chloride salts that are passed into our wastewater stream. Currently, our wastewater is discharged to the City of Sioux City.

In order to meet the new proposed limits for chlorides and TDS, the City of Sioux City has stated that they would determine the amount of chlorides that each major industrial user would be allowed to discharge into their collection system. Each of the industries would then be required to meet a numeric limit for chloride or install pretreatment equipment/processes to remove chlorides.

Economic Impact:

1) Cost estimates to reduce our chloride concentrations by 50% are estimated at $5-10 million.
2) If the City of Sioux City was unable or unwilling to handle our effluent with a 50% reduction in chlorides, then we would be forced to look at our own comprehensive treatment facility for wastewater. Based on recent studies, we estimate a capital cost requirement between $20-30 million.
3) If we were unable or unwilling to either a) cover the cost of continuing to send our wastewater to the City of Sioux City or b) spend the required capital to build our own treatment facility, we could be faced with the potential shutdown/closure/relocation of our Sioux City facility. The potential economic impact to the Siouxland community would be:
    - Loss of over 280 jobs accounting for over $15 million in salaries/ wages
    - Loss of over $100 million dollars spent in the Siouxland area as a direct result of the GELITA USA operation.

Action Requested:
GELITA USA recommends that the EPC table any action on establishing limits for chlorides until such time as water quality data from lakes and streams in Iowa can be obtained and evaluated. GELITA USA further recommends that detailed financial impacts of proposed chloride limits be conducted along with cost benefit analyses prior to implementation of these standards.

(A handout of his comments can be found in the Department's Record Center.)

PAUL NOLAN, representing the City of Sioux City. The city is opposed to the proposed changes in the Water Quality Standards for Chlorides and TDS in the absence of any economic impact studies of cost benefit analysis data.

The City of Sioux City is a regional wastewater facility treating over 14 million Gallons per Day (MGD) of industrial, commercial and residential wastewater from Sergeant Bluff, Iowa, South Sioux City, Nebraska, North Sioux City, South Dakota, Dakota Dunes of South Dakota, and Gelita USA, Woodbury County, Iowa. Sioux City's Wastewater Treatment Plant discharges effluent to the Missouri River. The wastewater facility receives industrial waste from 19 Major Industrial Users (MIU's) in this region.

Potable water is provided to these Siouxland Communities by individual water utilities at this time. None of these water treatment plants provide for central lime softening of the treated water and produce finished potable water with a hardness of approximately 360 mg/l to 400 mg/l. Extensive use of home water softeners exists in this area. Chloride discharge concentrations form industrial sources will range from less than 100 mg/l to over 6,000 mg/l on a daily basis. Analysis of wastewater treatment plant effluent chlorides has not been performed on a routine basis, so historical data is not available for inclusion in this position paper. However, some recent wastewater treatment plant effluent testing indicates chloride concentrations of 560 mg/l to over 1,000 mg/l.

The proposed Total Dissolved Solids (TDS) standards pose the same fundamental concerns for Sioux City that the Chloride standards pose. Because of the City's operational strategy for odor control, hydrogen sulfide mitigation and MIU wastewater contributions, effluent TDS could exceed the standard as proposed.

Economic Impacts:

1) Central Hardness Removal/Lime Softening Water Plant(s): It is possible to construct lime softening water treatment facilities in the Siouxland Community to eliminate the home softening units that contribute significant chlorides through salt brine discharges. In many communities in Iowa this may be the only treatment strategy that can be implemented. The estimated cost for Sioux City alone, to construct lime softening facilities approaches $30 million. The impact of that capital and operating expenditure on rate payers would be devastating.
2) Regulation of Chloride Discharge from MIU's through the Industrial Pretreatment Program (IPP): An industrial waste load allocation study would determine the amount of chlorides that each MIU would be allowed to discharge to the collection system. Each of the 19 regulated industries would then be required to meet a numeric limit for chlorides or be required to install pretreatment equipment or processes that would meet their permitted limits. Reverse osmosis and ion exchange equipment are currently the technologies available for that purpose and are extremely costly to purchase and operate. The result could very well be that industry would chose to either close down or relocate.
3) Wastewater Treatment Plant Upgrades to remove Chlorides and Lower TDS: Technology is available, as mentioned above, for the purpose of chloride removal and TDS reduction at the waste water treatment plant. However, as also previously mentioned, it is costly to purchase and difficult to operate on a long-term basis. The impact on rate users would be substantial.

Action Requested:

The City of Sioux City recommends that he EPC table any action on establishing limits for chlorides until such time as water quality data from lakes and streams in Iowa can be gathered and evaluated. Sioux City further recommends that detailed financial impacts of proposed chloride limits be conducted along with cost benefit analyses prior to implementations of these standards.

(A handout of his comments can be found in the Department's Record Center.)

JOHN MEYER, representing Tyson Foods, Inc made the following comments:

Tyson Foods operates meat packing and meat processing facilities in 10 Iowa cities and employs approximately 10,000 team members in the State of Iowa. Several of our facilities discharge treated effluent directly to Iowa streams and others discharge to City sewer systems, which in turn, discharge to Iowa streams. Water supplied to our facilities is primarily ground water with elevated levels of hardness, TDS, and chlorides. In fact, some of our ground water supplies contain TDS concentrations in excess of the proposed stream water quality standards. The hardness of our water supplies is such that ion exchange softening is employed to treat boiler feed water. Due to the extent of our operations in Iowa, the poor quality of our ground water supplies, the water quality requirements our facilities, and the number of Iowa streams to which we discharge, there is a great potential that the proposed rule revision for TDS and chloride may impact our operations.

Tyson Foods supports the position of Dr. E. Robert Baumann, Iowa State University and Gregory L. Sindt, P.E., Bolton & Menk, Inc., namely:

- Prior to any final rule-making, further review is necessary to quantify potentially impacted streams, and in association, potentially affected municipal and industrial dischargers.

- Prior to any final rule-making, further review is necessary to quantify the potential economic impact to municipal and industrial dischargers.

- Prior to final rule-making, further review is necessary to quantify the technical merit for TDS numerical water quality standards and chronic chloride water quality criterion. Specifically, if the proposed rules were to be adopted: what would be the expected extent of stream water quality improvement and what would be the correlating extent of improvements to human health and the environment?

- Eliminate the TDS numerical water quality standard for all lakes and streams and replace with a TDS threshold guidance value, above which whole effluent toxicity tests and chemical analysis for selected cations and anions would be required. If toxicity were reported, establish site-specific discharge limits for specific constituents of TDS causing toxicity.

- Replace the proposed 1,500 mg/l chloride water quality standard for the protection of all streams with a 2,500 mg/l limit, which studies have indicated is adequate for the protection of livestock water supplies.

- Replace the proposed 372 mg/l chronic chloride water quality criterion for classified streams with a 564 mg/l limit, which studies have indicated is adequate for the protection of aquatic life in streams.

Tyson Foods is committed to being a responsible environmental steward. Nation-wide, we employ over 70 environmental professionals to ensure environmental compliance at our operating facilities and to enhance the environmental condition in our ecosystems. As a company, we support environmental rules and regulations that have a clear benefit to the environment. Based on the body of information presented on this issue, it is not clear that these proposed rules are technically sound and the cost associate with these proposed rules appear to be vastly understated.

(A handout of his comments can be found in the Department's Record Center.)

SUSAN HEATHCOTE, with the Iowa Environmental Council made the following recommendations regarding TDS and chloride standards for general use waters.

DNR proposed rule changes for TDS and Chloride in General Use waters

- DNR is proposing to eliminate the current standard for total dissolved solids (TDS) of 750 mg/L and replace it with a site specific approach
- DNR is also proposing to establish a standard of 1500 mg/L chloride for protection of general uses.

Iowa Environmental Council's recommendation to the EPC

- Revise the proposed rule to eliminate the general use standard for chloride of 1500 mg/l, and the site specific approach for TDS limits.
- Retain a Total Dissolved Solids (TDS) criteria for general use waters, with an increase in the standard from 750 mg/L to 1000 mg/L.

Based on the Council's research, a general use TDS standard of 1000 mg/L would provide adequate limits on chloride as well as other dissolved constituents and would assure good water quality for all general uses including livestock and wildlife watering, irrigation and aquatic life. This proposal is simple then the site specific approach for TDS recommended by DNR and would require all wastewater dischargers with high TDS levels to evaluate all economically and technically viable alternatives to meet the standard. Where legitimate problems occur in meeting this standard, the federal Clean Water Act allow the state to issue variances from this water quality standard (or any water quality standard) based on a number of factors including economic considerations, where it can be demonstrated that the benefit to the community outweighs the impact of the additional water pollution.

It should be also noted that the Council's proposed amendment to the proposed rule is not an increase in water quality protection for general use waters, but a decrease in protections from current standard of 750 mg/L. When compared to the current rule, this amendment would have no additional economic impact associated with it and instead would provide some relief for wastewater dischargers who are exceeding the current TDS standard.

<u>Problems with the DNR proposal</u>

The DNR proposal would result in general use water quality standard for TDS and Chloride that provides marginally usable water quality for some general uses and unacceptable water quality for other uses.

- **Livestock watering uses** – TDS above 1000 mg/L and Chloride of 1500 mg/L marginally protect for livestock watering with some loss of productivity (especially milk production for dairy) and may cause temporary and mild diarrhea in livestock or watery droppings in poultry.
- **Wildlife Watering** – The proposed TDS and chloride standard for general use waters will not protect for wildlife watering uses because wildlife will avoid using waters with high TDS or chloride levels.
- **Egg shell damage in poultry** – Chloride levels of 1200 mg/L cause greater than 50% egg shell defects in poultry (and possibly also in wild bird eggs).
- **Irrigation** – A TDS greater than 1000 mg/L or a chloride concentration greater than 142 mg/L has an adverse effect on many crops and a TDS greater than 2000 mg/L or chloride greater than 860 mg/l can only be used for tolerant plants on permeable soils with careful management practices.
- **Incidental water withdrawal** – The proposed TDS and chloride standard will not protect general use waters for incidental water withdrawal uses such as for watering landscape plants, vegetable gardens, strawberries, and other domestic uses.
- **Aquatic life** – The proposed chloride general use standard of 1500 mg/L is nearly twice the acute standard of 860 mg/L proposed for designated uses and would not be protective of sensitive aquatic life including diverse populations of aquatic insects commonly found in general use waters that are more sensitive to chloride than vertebrates such as fish.

(A handout of her comments can be found in the Department's Record Center.)

DAVID WEBER, Vice President of Operations for the Burke Corporation headquartered in Nevada, Iowa. Burke Corp. is a mid-sized meat processing company that supplies fully cooked meat products to the pizza industry as well as a variety of Mexican and specialty meats including meatballs, taco meats, and shredded beef to name just a few.

We provide these products to the food services, retail, and manufacturing segments of our industry. We are a value added company, purchasing 90% of our raw material here in Iowa, and exporting 90% of our finished products outside of Iowa. We sell product to all 50 states and about 12 countries internationally.

Burke Corp. is a growing company of over 300 employees that has been in business here in Iowa for about 30 years. We have expanded 19 times in the past 19 years and currently are embarking on our largest expansion in the company history.

Prior to the decision to place this last expansion here in Iowa, we evaluated communities in several other states. Had ewe known then of the potential changes in Chloride limits here in Iowa, we probably would have made a different decision. I know this will be part of the evaluation process as we look towards our next expansion location.

We are here today in support of basing any changes in Chloride limits on scientific data and asking that these be no more stringent than absolutely necessary. Increasing our operating costs with limits that are more severe will only make Iowa business less competitive.

We support the 2500 mg/l Chlorine standard for all Streams

We support the 564 mg/l standard for Chronic Chloride in classified streams

We support no standard level for Total Dissolved Solids (TDS)

(A handout of his comments can be found in the Department's Record Center.)

GRETTA IRWIN, executive Director of the Iowa Turkey Federation said that she works with Iowa's 85 turkey growers, 3 turkey processors and numerous affiliated companies that are supported by the turkey industry. Iowa's farm families raise 8 million turkeys annually. All of them are processed in Iowa. The economic value per turkey from farm through processing is $16.00 or a $128 million economic impact for the state of Iowa. Currently Iowa's turkey processing plants are importing about half of their processing capacity from outside Iowa to keep the plants operating, adding an additional $42 million to Iowa's economy. In 2003 Iowa was the 5th largest turkey processing state in the US

Recently when turkey plants have been updated and new technology becomes economically feasible Iowa's turkey processors have added new aerators, skimmers and improvements to their lagoons. One plant also added a rain garden this summer to help with runoff from parking areas around a plant.

Our industry supports the use of sound science for the justification of more stringent standards and regulations. Specifically related to Chapter 61, we support having no TDS standards; setting the chloride standard for all streams at 2,500 mg/L; allowing acute chloride criterion for classified streams at 860 mg/L; establishing chronic chloride criterion for classified stream at 564 mg/L; and making chronic chloride criterion for lakes and impoundments at 372 mg/L. These standards must remain in balance with science; if more restrictive levels are enacted they may unnecessarily force some of the processing operations out of business. There is no economically viable way to treat chlorides.

Many of our farm families and employees enjoy Iowa's lakes, streams and aquatic life. We too want clean water and healthy wild life, but we also need a way to make money to support our families. We believe that by working together and the use of sound science, both goals can be achieved.

(A handout of her comments can be found in the Department's Record Center.)

LARRY HILL, Environmental Manager for Farmland Foods, Inc. These comments are being submitted on behalf of Farmland Foods, Inc. in connection with the proposed amendments to 567-61, "Water Quality Standards" of the Iowa Administrative Code. More specifically, this statement is in response to the proposed rules with respect to total dissolved solids (TDS) and chloride.

Farmland has an excellent environmental record in Iowa. Our company is dedicated to a safe environment and to full compliance with all applicable law and regulations.

For regulation to be effective, the regulated community must be able to: 1) understand the need for the regulation, including the extend of its stringency, and 2) to comply with the regulation. The proposed rules concern us, because they impose unduly harsh requirements, the degree of which is not needed to have a safe environment. To comply with the proposed rules as they are presently stated, municipalities and other dischargers will be required to make enormous expenditures by any standard for equipment and processes, and, even if they do, compliance may not be achieved.

At this point, I wish to point out that Farmland may not be greatly affected by the proposed regulations. However, Farmland has enjoyed its presence in Iowa and wishes to remain in the state. Therefore, as a good corporate citizen, we are alarmed at the degree of the proposed regulation. We are concerned that a similar approach will be taken in other areas under the jurisdiction of the Department of Natural Resources and the Environmental Protection Commission. If the proposed rules were applied to several facilities that we operated in other states, we would be forced to install costly equipment, or more likely, close the plant and move production.

In our analysis of the proposed regulations, we have reviewed a great deal of information. In so doing, we have become aware of the activities and findings of the Technical Advisory Committee and the statement submitted by Dr. Baumann, Ameritus Anson Marston Distinguished Professor of Engineering at Iowa State University. Farmland is in general agreement with both the Technical Advisory Committee and Dr. Baumann. Indeed, we believe the proposed modifications proposed by Dr. Baumann to the regulations (and which proposed modifications are contained in the "Summary" section of Dr. Baumann's statement) should be adopted because they are excellent and more than sufficient to protect the environment.

(A handout of his comments can be found in the Department's Record Center.)

STEVEN PACE, representing the City of Postville said that the impact on Postville of the regulations as proposed would be very severe. We would need to build a facility to treat salt. I believe there were some misleading statements made by speakers that have gone before me. Mr. Anderson addressed some issues at Postville. That is a very complicated situation. We have had a hearing before the Polk County Judge that lasted half a day. The Judge denied the state going forward with plant at Postville. I encourage you to table the item and look more at the scientific data that is available.

MARK TRUESDELL, from Iowa Dairy Foods Association said that Iowa Dairy represents the Grade A dairies in the state of Iowa, including Anderson Erickson Dairy of Des Moines, Roberts Dairy of Des Moines and Iowa City, Wells Dairy of LeMars, Marigold Foods, and Swiss Valley Dairy with locations in Eastern Iowa. Iowa has a significant dairy industry. Twelfth among stated in total milk production, we are a big milk importer and processing state. We rank third among states in ice cream manufacturing and sixth among state in cheese manufacturing. The Wells ice cream manufacturing plants in LeMars are among the largest in the country. Cheese is made in nine different plants around the state including Beatrice Cheese in Fredericksburg, Lake Mills Co-op Creamery in Lake Mills, Maytag Dairy Farms in Newton, Stacyville Co-op

Creamery in Stacyville, and Wapsie Valley Creamery in Independence. Altogether, there are thirty-two milk processing plants in Iowa: Seven of these are milk bottling plants, eleven dry milk plants, nine cheese plants, and five ice cream plants.

All of these plants employ water in the process. Although the processes differ, the effluent form the plants include milk waste, sugar and wastewater from the water softeners. In addition, there is non-contact cooling water used extensively as part of our refrigeration systems. The rule at issue will have significant impact on many of these plants.

We agree generally with the concerns raised by the members of the Technical Advisory Committee, the Iowa League of Cities, the Iowa Water Pollution Control Association, and the Iowa Association of Municipal Utilities. Our process water is in almost every instance discharged into the sanitary sewer system at the city in which out plant is located. Amendment of these Water Quality Standards, as it impacts the discharge from the city's municipal wastewater treatment plant, will in turn impact us significantly. The proposed rules will also impact the direct discharge of non-contact cooling water from many of our plants.

More specifically, two of the proposed changes will carry significant costs for many of our members. These two proposed changes are:

1. Excessively stringent chloride standards. Two relevant facts here cannot be avoided:
    - Chloride cannot be removed at conventional wastewater treatment plants; and
    - Chloride is an unavoidable by product of the dairy process. This is attributed to three factors:
        - Non-contact waters used in our refrigeration systems operate through evaporation. Evaporation by necessity increase the relative salt and therefore chloride content of these cooling waters as they are used. Increased chlorides means increased Total Dissolved Solids. Hence, Chloride and Total dissolved Solids become major issues for Iowa's dairy industry.
        - Process Water: Salt is an essential ingredient in most dairy processes: Cheese, cultured products, frozen products, etc.
        - Process Water: Water softening/treatment is a critical part of dairy production. In many cities, the iron, calcium, or magnesium of the drinking water is simply too high to be acceptable for quality dairy processing. The water must be treated; minerals must be removed. When the water is softened with ion exchange softeners, chloride discharge results. If the city's water is too hard, the water plant is going to have to install expensive, alternative water treatment systems, with a very significant price tag. In LeMars for example a 2001 study done for the city indicated it would cost $11 million to install a lime soda ash plant for treatment of the city's drinking water, with an annual operating cost of $925,000 per year. For this reason, the DNR estimate of economic impact of this rule of between $800,000 and $4.3 million statewide, requires a second look.
    - As proposed at the EPC meeting in January, numerical TDS standards would apply to all streams. Many of our plants discharge non-contact cooling water to dry or very low flow streams. These discharges will exceed the 1,000 mg/L TDS standard proposed by the EPC.

The Iowa Dairy Foods Association would make two specific requests:

1. Chloride Water Quality Standard: We would ask the Commission to set the chloride water quality standards based upon sound science; a good technical approach; to be set at a level only as stringent as required for protection of aquatic life. A solid body of research indicates that 2,500 mg/L for general use streams and 564 mg/L chronic standard for classified streams, are adequate.
2. Total Dissolved Standards: We would ask that the EPC stick with the original DNR suggestion of a site specific approach. We agree that there is a sound technical basis for DNR's proposed elimination of any TDS numerical standard.

(A handout of his comments can be found in the Department's Record Center.)

STEVE VEYSEY, representing the Hawkeye Fly Fishing Association stated his concerns with the DNR and Technical Advisory Groups. They keep saying their was consensus amongst the TAG members and there never was. They say the proposed rules will generally protect for existing uses. That's not true! We are required by the Clean Water Act not only to protect for existing uses, but to also achieve the highest reasonable attainable use. 83% of our rivers and streams are not protected for aquatic life. Cold water assessment protocol – good. Current warm water assessment protocol – bad. A lot of compromises were made with those protocols. Solutions are the answer to this debate. I urge you to adopt protective water quality standards.

CHARLES STEVENS, from Knoxville, Iowa said based on the available information, I feel that establishing a chronic or aquatic life criteria for chloride of 564 mg/l is scientifically justifiable and is protective of aquatic life and establishing a chronic criteria of 372 mg/l based on only one chronic test for daphnia pulex in reconstituted waters is not justifiable. I am also in support of using the site specific approach for Total Dissolved Solids. I believe that it is important that the DNR develop a cost benefit analysis.

CARISSA LENFERT, representing the Audubon ICCI members. She encouraged the Commission to follow the Departments recommendations to refer Audubon County factory farm owner Lawrence Handlos environmental violation to the Attorney Generals office for stiffer enforcement action.

1) On March 22, 2002 Lawrence Handlos was issued an administrative order by the DNR fining him $3,000 for a December 21, 2000 notice of violation where he spread manure 60 feet from a residence, 30 feet from a well, and 60 feet from a cemetery. Handlos appealed the administrative order and settled with the DNR for $1,500.
2) January 16th, 2003 violation for pumping manure from his Ranch site (14,400 finishing hogs) and King Farm nursery site (18,000 pigs) without an approved manure management plan. This is part of the referral package to the AG's office.
3) January 16th, 2003 violation for expanding his King Farm Nursery site (18,000 pigs) without a construction permit. This is part of the referral package to the AG's office.

4) March 25th, 2003 violation for failing to obtain storm water permits for his Zaiger (2,400 head), Steffes East (2,400 head) and Home Place West (2,400 head) hog factory construction sites. This is part of the referral package to the AG's office.
5) May 16th, 2003 Handlos was issued a violation for failing to have Pollution Prevention Plans for his Zaiger, Steffes East, and Home Place West hog factory construction sites. This is part of the referral package to the AG's office.
6) July 21st, 2003 the EPC voted unanimously to refer several of Lawrence Handlos' violations to the Iowa Attorney General's Office.
7) July 31st, 2003 Handlos was issued a violation for failing to meet minimum concrete standards at his Home Place West (2,400 head) hog factory site. The notice of violation states that the DNR measured the floor and determined that portions of the floor were between 4 ½ and 4 ¾ inches thick. Minimum concrete design standards state that the floor must be at least 5 inches thick.
8) December 15th, 2003 Handlos was issued a violation for a manure spill at his King Farm nursery site. A portion of the manure spill entered a tributary of the East Branch of the West Nishanbotna River. The DNR is recommending to the EPC that this violation be referred to the Iowa Attorney General's Office.

ICCI members are encouraging you to protect the environment and to enforce Iowa Code.

RICHARD LEOPOLD, Executive Director of the Iowa Environmental Council said that the Council is okay with the TDS standard of 1,000. I would like to discuss the 1,500 mg/l standard that is proposed for general use streams. We are not against industry, agriculture or jobs. This is about public water quality for us. I urge you also to look at this using sound science. You have heard about the livestock and wildlife not wanting to drink this water that they can go elsewhere. What is wildlife is that based on? What about a frog, fish, salamander, etc? How do you decide what streams it will be applied to? As you can see the arguments can get ridicules real quick. There are solution based treatments available.

I urge you to consider the tone of those who shared today and to protect the public waters.

JAY EATON, from Des Moines made the following comments:
Regarding economic impact – There needs to be a reasonable balance between the total cost of the people and the benefits. It is not a balance of arguments but of the cost and the benefits. I believe that there has been some exaggeration going on here today by some people's comments. We need to be careful about that. We haven't seen anything here technically or scientifically that supports going with the lower standards. We have seen a lot technically and scientifically that supports the higher standards.

GARY SIMMONS, from the City of Postville said that the employees may be impacted if these standards are adopted. (the recording of his comments were very muffled)

TED PAYSEUR, with Veenstra and Kimm and representing the Iowa Water Pollution Control Association stated that we need to make sure that there is a cost benefit analysis done. We need to hear what the public has to say about the proposed changes. (the recording of his comments were very muffled)

REFERRALS TO THE ATTORNEY GENERAL

Michael P. Murphy, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

LOUISA REGIONAL SOLID WASTE AGENCY - SOLID WASTE/PENALTY

Mike Murphy asked the Commission to withdraw this item since it has been taken care of.

WITHDRAWN

LAWRENCE HANDLOS [AUDUBON COUNTY] – ANIMAL FEEDING OPERATION

Mike Murphy said this case is regarding a manure spill that occurred on at the Handlos facility in December 2003. The spill was discovered while operators were in the field applying manure to the land, the hose connected to the agitator pump on the tractor at the confinement building had slipped off. It is estimated that about 7,000 gallons of manure were pumped onto the ground and flowed into a surface water intake next to the driveway. The intake discharged the manure into the road ditch on the north side of 130th street. It then flowed downfill (east) approximately 150 feet, entered a culvert under the road into the south road ditch, then flowed east o the corner. It then followed the road ditch south approximately 200 feet toward an unnamed creek tributary to the East branch of the West Nishnabotna River.

Upon discovery, the operators constructed a dam across the road ditch, approximately 100' north of the unnamed tributary. The dam was extended west into the field to contain manure overflowing the dam. The spill was report ed to the department that day. FO4 staff investigated that day, arriving an hour later. Manure was observed pooled behind the dam. Some manure was observed flowing into the creek, appearing to have seeped under the dam. One of the operators was then contacted and informed of the manure reaching the creek, and was directed to take immediate action to stop the flow into the creek. The operator indicated that they had checked earlier and did not see manure entering the creek. They the used 5-gallon buckets to collect manure on the creek bank, and carried it up and poured it behind the dam for later collection and spreading. This stopped the flow into the creek temporarily, but a small amount of manure was later observed to be entering the creek. At the time, a large track hoe was on from reaching the creek. The excavated soil and manure was loaded into manure wagons and was applied to land.

Follow-up visits had indicated that the spill had been adequately cleaned up.

Eldon McAfee, Attorney representing Handlos Farms said that we want to emphasize that the matters are not related to the other items that have been referred. I believe this is a very straightforward matter. It does involve a water quality violation. I have witnesses that were at the site that will explain when it happened, what happened and what steps were taken to contain what happened.

Chris Schultz – on the site when the accident occurred. At the time this happened, he was moving snow. Once he came across the spill, he shut the pump agitator off, ran down to the creek and tried to contain the spill. He built a dam with the snow. Another individual at the site called the DNR. Some manure did get into the creek. We used 5 gallon buckets to clean up some of the manure.

Eldon McAfee mentioned that it was a very small amount of manure that did enter the creek.

Tim Whalert – Dirt Contractor who was on site with his backhoe helped with containing the spill by shoving snow to make a dam.

Eldon McAfee said that measures have been discussed to help prevent this from happening in the future. Such as: thorough checks at the beginning and end of each day on the equipment, possibly having someone close to the pump at all times, plugging the drainage tiles, and having equipment nearby to help in the case of a spill.

As you can see once the spill had taken place, it was reported to the DNR immediately. Corrective action was taken. I do not believe that it is necessary to refer this case to the Attorney General, we would like to work this out with the Department.

Motion was made by Heidi Vittetoe to direct this issue back to the Department for further administrative action. Seconded by Lori Glanzman. Roll call vote went as follows: Lisa Davis Cook – nay; Darrell Hanson – aye; Jerry Peckumn - nay; Kathryn Murphy - aye; Francis Thicke – nay; Heidi Vittetoe – aye; Terry Townsend – aye; Lori Glanzman – aye; Donna Buell – nay. Motion carried.

APPROVED AS AMENDED

112R RISK MANAGEMENT PLAN CONTRACT

Jim McGraw, Supervisor of the Program Development Section presented the following item.

The Commission will be asked to approve a contract with the Iowa Waste Reduction Center (IWRC) located at the University of Northern Iowa for the purpose of conducting compliance workshops and outreach to the regulated community regarding Risk Management Plans (RMPs).

Section 112r of the Clean Air Act as amended in 1990 provides for regulations and programs to

prevent the accidental release of hazardous substances and to minimize the consequences of an accidental release should one occur. An accidental release is the unanticipated release of a hazardous substance into the ambient air by a source. A hazardous substance is defined as a substance which, if accidentally released, could cause death, injury, or serious adverse effects to human health or the environment. Over 100 hazardous substances are regulated under Section 112r and include compounds such as chlorine, anhydrous ammonia, and hydrogen cyanide.

Section 112r requires sources where a hazardous substance is present in quantities that exceed the applicable threshold quantities to prepare and implement RMPs. RMPs contain an estimate of the potential release quantities of a hazardous substance and an assessment of the potential effects of an accidental release of a hazardous substance to areas downwind of the source, detail prevention measures and safety precautions that will be taken by the source to prevent accidental releases, and outline the response procedures for notification of emergency officials and steps that will be taken to minimize the extent and duration of the accidental release.

Affected businesses are required to provide the Environmental Protection Agency with new RMPs every five years. The IWRC provides workshops and outreach to businesses regarding RMPs on an on-going basis. The funding provided by this contract would allow the IWRC to provide additional workshops and assistance. The IWRC will be completing four to six workshops statewide and will provide on-site or telephone assistance as needed.

Funding for this contract comes from an EPA Region VII grant. The agreement period will extend from March 1, 2004 through August 31, 2004. The 112r contract shall not exceed $38,000.

Motion was made by Jerry Peckumn to approve the contact as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE – CHAPTER 23, EMISSION STANDARDS FOR CONTAMINANTS (COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS THAT COMMENCED CONSTRUCTION ON OR BEFORE NOVEMBER 30, 1999)

Jim McGraw, Environmental Program Supervisor of the Program Development Section presented the following item.

The Commission will be asked to approve an amendment to Chapter 23, "Emission Standards for Contaminants" 567 Iowa Administrative Code. The purpose of this rulemaking is to adopt by reference Subpart III of 40 CFR Part 62. Subpart III establishes emission requirements and compliance schedules for the control of emissions from commercial and industrial solid waste incineration (CISWI) units that commenced construction on or before November 30, 1999 and are not covered under an approved state plan.

On December 1, 2000, the EPA adopted in 40 CFR Part 60, Subpart DDDD, emission guidelines and compliance schedules for existing CISWI units. The Monsanto Company facility in Muscatine, Iowa is an affected facility that operates a CISWI unit that is subject to the emission guidelines. The emission guidelines and associated compliance schedules were intended to be implemented and enforced through a state plan submitted to and approved by the EPA.

On November 25, 2002, EPA proposed a federal plan to implement and enforce the emission guidelines and compliance schedules for CISWI units located in states with no approved state plan. Iowa does not have an approved state plan. The federal plan was promulgated on October 3, 2003 as Subpart III of 40 CFR Part 62.

This adoption by reference of Subpart III will incorporate by reference the federal plan, making it the state plan. Subpart III contains eleven major components that address the regulatory requirements applicable to CISWI units. These components include increments of progress toward compliance, waste management plans, operator training and qualification, emission limitations and operating limits, performance testing, initial compliance requirements, continuous compliance requirements, monitoring, record keeping and reporting, definitions, and associated tables.

A public hearing on the proposed rules was held on January 16, 2004 at the Musser Public Library in Muscatine , Iowa. No comments were received during the public hearing or during the public comment period.

An administrative rule fiscal impact statement is attached. Estimates of the impact to Monsanto due to this rule adoption are based on information provided by Monsanto.

Motion was made by Jerry Peckumn to approve the final rule – Chapter 23 as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

SOLID WASTE ALTERNATIVES PROGRAM – US GREEN FIBER

Tom Anderson, Environmental Specialist presented the following item.

The Commission was presented information regarding a Solid Waste Alternatives Program (SWAP) proposal submitted by US Green Fiber at their January 2004 meeting. The company currently produces cellulose insulation from recycled newsprint. The proposed project involves purchase and installation of conveying and grinding equipment allowing for recycling of additional fiber materials (newspaper cores, phonebooks, boxboard, and other non-newsprint materials) sourced throughout Iowa.

Several issues were discussed regarding the merits of the submitted proposal, including:

- applicant is a non-Iowa company located in Norfolk, Nebraska;

- awards to an out of state recycling company has not previously occurred;
- concern over the precedent set for additional out of state companies seeking funding assistance through SWAP;
- the Nebraska Department of Environmental Quality provided partial funding assistance toward this project.
- the company is proposing to recycle a substantial amount of Iowa material (up to 10,000 tons annually);
- some of the targeted material (i.e. cardboard cores) are not known to be recycled by an Iowa company;
- additional diversion of recyclable materials from Iowa landfills;
- the company will serve as an additional fiber material market for Iowa recyclers; and
- support for the applicant's proposal is provided by the Iowa Recycling Association.

Through discussion of the above issues with stakeholders and US Green Fiber, the Department has agreed to recommend financial support for this project proposal.

At this time, the Department is requesting Commission approval to enter into a contract with US Green Fiber in the amount of $31,667, subject to satisfactory negotiation of project deliverables and contract requirements including reporting, minimum amounts of Iowa sourced materials, and loan repayment. The award is recommended to be $20,000 as a forgivable loan and $11,667 as a zero percent (0%) loan.

Motion was made by Lisa Davis Cook to approve the item as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – AMEND IAC CHAPTER 567-11 "TAX CERTIFICATION OF POLLUTION CONTROL OR RECYCLING PROPERTY"

Jeff Geerts, Program Planner 3 in the Energy and Waste Management Bureau presented the following item.

Attached for the commission's decision is a Notice of Intended Action to amend administrative rule chapter 567-11 "Tax Certification of Pollution Control or Recycling Property". Approval to proceed with rulemaking activities is requested.

Legislative changes in 2003 expanded the scope of Iowa's recycling property tax exemption. Prior to this legislation, Iowa companies processing wastepaper, waste paperboard, or waste plastic into a new raw material or product could receive a property tax exemption. The new legislation expanded the property tax exemption by amending the definition of recycling property to include property used to convert waste wood products into new raw materials or products.

The proposed amendments reflect the expansion of the property tax exemption to include property used to process waste wood products. The proposed amendments provide examples of recycling property typically considered eligible and typically considered ineligible for the tax exemption. The following advisory committee participants assisted in this rules process.

Name	Organization
Mick Barry	Mid America Recycling
Konni Cawiezell	Iowa League of Cities
Dave Cretors	Department of Economic Development
Ed Henderson	Department of Revenue and Finance
Dewayne Johnson	Iowa Recycling Association
John Lawson	Calhoun County Assessor
Phil Meier	Boone County Auditor
Jim Moyle	Department of Revenue and Finance
Bob Mulqueen	Iowa State Association of Counties
Deb Rovang	ProEarth Environmental
Ross Simmelink	Palo Alto County Assessor
Scott Smith	Iowa Society of Solid Waste Operations

The commission is requested to approve this Notice of Intended Action.

Motion was made by Darrell Hanson to approve the item as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE – IOWA ADMINISTRATIVE CODE CHAPTER 118, "DISCARDED APPLIANCE DEMANUFACTURING"

Theresa Stiner, Environmental Specialist in the Energy and Waste Management Bureau presented the following item.

The Commission will be requested to approve this Notice of Intended Action at its March 2004 meeting to begin the formal rule making process on the proposed rules. The changes proposed are to clarify existing administrative rules and to make the rules consistent with federal regulations. The revisions will not substantially change any requirements.

The proposed changes include:

- Requiring documentation that the facility meets local zoning requirements as part of the permit application.
- Striking the requirement that all generators of sodium chromate must obtain an EPA identification number, in order to be consistent with federal regulations.
- Correcting references to the Federal Code of Regulations.
- Removes the allowance of mercury storage for one-year to be consistent with federal regulations.

- If a DNR training course is not presently scheduled to occur when the appliance demanufacturer applies for the permit, the permit may be issued with the condition that at least one owner or full time employee will complete the next available DNR-approved training course.

The Commission will be requested to approve this Notice of Intended Action at its March 2004 meeting.

INFORMATIONAL ONLY

PROPOSED RULE – AMEND IAC CHAPTER 567-137 "IOWA LAND RECYCLING PROGRAM AND RESPONSE ACTION STANDARDS"

Robert Drustrup, Environmental Engineer Senior in the Iowa Geological Survey and Land Quality Bureau presented the following item.

Attached for the Commission's information and review is a Notice of Intended Action to amend administrative rule 567—Chapter 137 "Iowa Land Recycling Program and Response Action Standards."

The department has been negotiating a memorandum of agreement (MOA) with the U.S. Environmental Protection Agency (EPA) regarding the Iowa Land Recycling Program (LRP). With the MOA the EPA will agree *not* to take action at sites enrolled in the Iowa Land Recycling Program – a very attractive incentive for potential enrollees. Statutory changes were made in 2002 (HF 2417) to Iowa Code Chapter 455H "Iowa Land Recycling and Environmental Remediation Standards Act" to address some of EPA's concerns about the LRP. The proposed amendments to IAC Chapter 137 incorporate these statutory changes and address several other concerns of EPA regarding the LRP that must be resolved prior completing the MOA. The proposed amendments include the major items listed below in addition to various minor corrections and clarifications.

- Including protection from dermal contact to contaminants in soil in the determination of soil standards.
- Specifying a minimal level of protection for situations where exposure may occur to multiple contaminants and/or multiple routes of exposure (e.g., drinking water and contact with soil).
- Changing how standards are determined for chemicals that are classified as possible carcinogens to be consistent with the methods used to establish drinking-water standards for such chemicals.
- Specifying minimum requirements for notifying the public and soliciting public input.
- Specifying requirements for evaluating possible migration of contaminants from one medium to another (e.g., contaminants in soil migrating to groundwater).
- Simplifying site-specific standards for soil.

The first 3 bullets will result in slightly more stringent requirements. The last bullet should make it easier to comply with site-specific soil standards.

The commission will be asked to approve this Notice of Intended Action at its March meeting.

INFORMATIONAL ONLY

PROPOSED RULE: CHAPTER 61, WATER QUALITY STANDARDS

Charles C. Corell, Chief of the Water Quality Bureau presented the following item.

The Commission will be presented with information regarding proposed rulemaking to amend the state's cold water aquatic life use designation and to adopt a protocol for assessing and designating water bodies for cold water aquatic life uses.

The proposed Notice of Intended Action (NOIA) would initiate modifications to Iowa's current Water Quality Standards (WQS) use designation intended to protect cold water aquatic life. The IDNR is proposing to split the current cold water use designation into two use designations, Class B(CW1) and Class B(CW2). The purpose of the split is to reflect the type or extent of uses by cold water aquatic species. In addition, it is proposed to incorporate language providing additional protection to the groundwater sources such as bank seeps and small springs directly contributing to proposed Class B(CW1) waters. Included in the proposed modifications to the standards are associated revisions to the ammonia nitrogen and dissolved oxygen criteria applicable to each proposed Cold Water use designation.

The proposed NOIA would also add a new rule-referenced document "Iowa's Cold Water Aquatic Life Use Designation Protocol" to the Water Quality Standards. The proposed protocol would be applied to existing Class B(CW) waters and to waters where existing data are available to complete the assessment for cold water aquatic life use designations. This proposed guidance document would, if approved, be used in all future cold water aquatic life stream designation efforts and would be updated as the science and techniques of assessing uses evolve. Any future amendments to the rule-referenced document would proceed through formal rule making.

Ralph Turkle said that they most controversial part of this proposed rule is the rule reference document. That is the actual protocol itself. We will have some changes to chapter 61 – numerical criteria. We will also be proposing to have this protocol as a rule reference document.

Introduction

The following information proposes an approach to be followed in assessing the cold water uses of water bodies and to provide the bases for staff recommending applicable use designations, i.e., Class B (CW1) and Class B (CW2). These two use designations are defined below.

Initially, the proposed use assessment protocol would be applied to existing Class B(CW) waters and to water where existing data are available to complete the assessment for cold water use designations. Future staff efforts will be to apply the protocol on smaller springs and tributaries currently undesignated where little data is available. It is anticipated that most of the

macroinvertebreate collection and identification will be complete by contact personnel or other sources and then used in conjunction with field data to complete the assessment form and worksheet.

Bill Kalishek, Fisheries Biologist from the Decorah State Fish Hatchery explained the Cold Water Use Designation Assessment Protocol and Tier I and II designations.

The two tiered cold water designations are proposed to be defined in Chapter 61.3(1)b as follows:

61.3(1)b(4) *Cold Water – Tier 1 (Class "B(CW1)"). Waters in which temperature and flow are suitable for the maintenance of a variety of cold water species, including reproducing and non-reproducing populations of trout (Salmonidae family) and associated aquatic communities.*

61.3(1)b(5) *Cold Water – Tier 2 (Class "B(CW2)"). Waters that directly contribute to the base flow of a Class B(CW1) water body including small channeled streams and spring run that possess natural cold water attributes of temperature and flow. These waters usually do not support consistent populations of trout (Salmonidae family), but may support associated vertebrate and invertebrate organisms.*

Cold Water Use Designation Protocol

To assess Iowa waters for the appropriate cold water use designation, the following guidelines would be followed and field based information would be provided. Formal rule making would be required to adopt any stream into one of the proposed use designations.

A. Tier I Cold Water Streams – B(CW1): Stream segments that meet the requirements of 1 or 2 below would be recommended as Class B(CW1). These waters exhibit flow and temperature characteristics needed to support a coldwater fish population.

1. Class B(CW1): Stream reaches meeting any one of following characteristics:
   - Documented self-sustaining population of brown, brook or rainbow trout,
   - Documented self-sustaining population of slimy or mottled sculpin,
   - Documented evidence of periodic natural reproduction of brown, brook or rainbow trout where a natural year class has survived through a minimum of three summer (mid-May through August) seasons,
   - Documented evidence of the survival of stocked trout species through three summer (mid-May through August) seasons.
2. Additional Justification for Class B(CW1) Designation – Streams not meeting any of the above criteria shall be designated Class B (CW1) if they meet both the following two criteria:
   - Water Temperature: The maximum stream water temperature during mid-May through mid-September does not exceed 75 degrees Fahrenheit, as documented by continuous monitoring during this period for three, not necessarily consecutive years. However, the presence of watercress (*Rorippa nasturtium-aquaticum)* at various

locations along the stream or the presence of key macroinvertebrate assemblages* that are indicative of coldwater habitat, will automatically fulfill this criterion, and

- Flow: The minimum stream flow is at least 0.3 cubic feet per second.

- Key macroinvertebrate assemblages to include least two of the species noted in Appendix B and one of the species being in abundance with more than 20 organisms collected within the standard 90 people-minutes multi-habitat sampling period.

B. Tier II Coldwater Streams – B(CW2): This use designation is for small streams and spring runs supporting (flow into) a Class B(CW1) water body and fulfill the water temperature criterion identified above, but do not normally exhibit flow volume needed to sustain a coldwater fish population. For water bodies to be recommended for Class B(CW2) designation, meeting either 1 or 2 below would be required.

1. Class B(CW2) classification: Stream reaches that support (flow into) a class B (CW1) water body and meet either of following criteria:

- Presence of watercress (*Rorippa nasturtium – aquaticum*) at various locations along the stream/spring run through the summer period, or
- Presence of key macroinvertebrate assemblages indicative of cold water habitat. (Key macroinvertebrate assemblages to include least two of the species noted in Appendix B and one of the species being in abundance with more than 20 organisms collected within the standard 90 people-minute multi-habitat sampling period.

2. Additional Justification for Class B(CW2) Designation – Streams not meeting either of the above criteria shall be designated Class B(CW2) if they meet all three of the following criteria:

- Water Temperature: The maximum water temperature during mid-May through mid-September does not exceed 75 degrees Fahrenheit, as measured instantaneously between 2 and 6 pm on the second consecutive day or greater than 85 degrees Fahrenheit air temperature, at the month of the tributary spring.
- Flow: Continuous flow during years with normal precipitation, and
- B(CW2) waters must support (flow into) a Class B(CW1) water body.

(A complete handout of the draft Protocol is available in the Department's Record Center.)

INFORMATIONAL ONLY

FINAL RULE: CHAPTER 61, WATER QUALITY STANDARDS, CHAPTER 62, EFFLUENT AND PRETREATMENT STANDARDS: OTHER EFFLUENT LIMITATIONS OR PROHIBITIONS

Motion was made by Darrell Hanson to untable Final Rule – Chapter 61 and Chapter 62. Seconded by Terry Townsend. Motion carried unanimously.

UNTABLED

Charles C. Corell, Chief of the Water Quality Bureau presented the following item.

Following the Commission's action at their January 20th meeting to temporally table decision on this final rule, the Commission will be asked to take action on the final rule to amend the state's water quality standards (WQS). While no modifications have been made to the rule amendments as proposed in January, alternative Commission actions will be discussed.

The final rule, if approved, would:

TDS & Chloride items:

1) Establish numerical water quality criteria for chloride for the protection of aquatic life and general uses. (Associated with Items 3 & 4 of the rule amendment.)
2) Replace the current total dissolved solids (TDS) numerical criterion of 750 mg/l with a site-specific approach for establishing discharge limits for dissolved solids. (Associated with Items 1 & 3 of the rule amendment.)
3) Amend the rule–referenced document "Surface Water Classification" to add approximately 300 publicly owned lakes as Class B(LW) Lakes and wetlands designated waters. (Associated with Item 1 of the rule amendment.)
4) Amend the rule–referenced document "Surface Water Classification" to add the Class A2 Secondary contact recreational use designation to all waterbodies currently designated as Class B(CW) Cold water or Class HQ High quality water and those Class B(WW) Significant resource warm water segments not currently designated as Class A1 Primary contact recreational use. (Associated with Item 1 of the rule amendment.)
5) Amend the rule–referenced document "Surface Water Classification" to add thirteen stream segments as Class B(LR) Limited resource warm water, redesignate one Class B(WW) stream segment as Class B(LR), and correct several referenced stream locations. (Associated with Item 1 of the rule amendment.)
6) Amend the rule–referenced document "Protected Flows for Selected Stream Segments" to add several streams and correct the locations and protected flows of several other streams for consistency with the document "Surface Water Classification". (Associated with Item 1 of the rule amendment.)

7) Amend subrule 567 - 61.2(5), paragraph "a" to reference the correct subrule. (Associated with Item 2 of the rule amendment.)

The effort to establish numerical water quality criteria for chloride for the protection of aquatic life and general use and the effort to replace the current total dissolved solids (TDS) numerical criterion were undertaken considering extensive input from and discussion among the Water Quality Standards (WQS) Technical Advisory Committee (TAC). Some members of the TAC or public may not fully agree with certain elements of the rule (e.g., the 1500 mg/L chloride level for protection of general use waters). However, the department believes the rule represents general agreement of the TAC members and is reasonable and protective of water quality and the uses being made of Iowa waters based on the many factors involved and the limited amount of directly applicable scientific data.

Staff review of numerous publications and reference sources uncovered many smaller publicly owned lakes in Iowa that are not currently designated in the WQS. This rule designates these lakes as Class B(LW). In response to stakeholder comments, the rule also notes on-stream impoundments in the listing of lakes in addition to their listing in the river basin sections of "Surface Water Classification".

In July 2003, Class A2 Secondary contact recreational use became effective as a new use designation within the water quality standards. This rule designates a number of waterbodies that fit the Class A2 use designation.

In the Notice of Intended Action, Little Wapsipinicon River in Chickasaw and Howard counties was proposed to be designated as Class B(LR) Limited Resources Warm Water, along with other amendments to the rule-referenced document "Surface Water Classification." Following consideration of comments made during the comment period, the Department asks that the EPC terminate rule-making efforts on the designation of Little Wapsipinicon River until more field data can be obtained. The Department plans to perform additional field use assessment work on Little Wapsipinicon River in the near future.

We have not received any criteria from EPA concerning the Total Dissolved Solids.

Our approach to the Chloride standard mimics the EPA criteria for the acute level of 860 mg/l. We took their chronic level of 230 mg/l, looked at some data from Wisconsin and revised the number to 372 mg/l.

Six public hearings were held across the state throughout October 2003. Twenty-six persons or groups provided oral or written comments on the proposed WQS revisions. A responsiveness summary has been prepared addressing the comments received in terms of the issues involved and the summary can be obtained from the Department of Natural Resources.

(A handout of the Chloride and TDS criteria for each state was given to each Commissioner and can be located in the Department's Record Center.)

The following information was shared in a handout to the Commissioners:

F. Total Dissolved Solids: Total Dissolved Solids (TDS) numerical criteria will be determined by applying a site specific approach for the protection of Iowa's surface waters and their specified uses. The site specific approach would first consider a guideline value 1000 mg/l as a threshold in-stream level at which negative impacts to the uses of the receiving stream may begin to occur. (Note, for some unusual situations where sensitive in-stream uses occur or where uses are sensitive to the ion composition of the TDS, a more restrictive guideline value may be warranted.) Sources discharging levels of TDS that may potentially elevate a receiving stream above 1000 mg/l (TDS) would be required, upon application for a discharge permit or permit renewal, to clearly demonstrate that their discharge will not result in toxicity to the receiving stream.

The following represents the site-specific requirements to demonstrate compliance with the narrative criteria and defined uses noted in the Water Quality Standards.

1. Passage of a Whole Effluent Toxicity Test – Each source discharging TDS that may potentially elevate a receiving stream above 1000 mg/l (TDS) will be required to complete and pass an acute or an acute and chronic Whole Effluent Toxicity (WET) test with the results submitted to the Department with the application for discharge permit or permit renewal. The WET test shall be conducted using EPA approved test procedures.

    - For dischargers directly entering a Class B designated water body, acute and chronic WET tests will be conducted using a mixed combination of effluent and receiving stream water. For acute WET test, the mixed combinations will be in the proportion of the effluent flow to 2.5% of the natural one-day, ten year low flow (1Q10) or protected flow or the results of a site-specific zone of initial dilution stream study. For the chronic WET test, the mixed combinations will be in the proportion of the effluent flow to 25% of the natural seven-day, ten year low flow (7Q10) or protected flow or results of a site-specific mixing zone stream study.
    - For discharges directly entering a water body classified only as a General Water of the state, an acute WET test will be conducted using 100% of the effluent flow.

2. Submit a chemical analysis of the WET test water for selected cations and anions, including Calcium, Magnesium, Potassium, Sodium, Chloride, Sulfate and Iron. Also to be included is the Total Dissolved Solids contained in the test sample. The concentration for specific ions will be evaluated to determine if exceedances occur to defined uses. Potential threshold levels where impacts to uses may occur are noted in the following Table.

Recommended Water Quality Guidelines
For Protecting Defined Uses

IONS	Recommended Guidelines Values* (mg/l)
Calcium	1000
Chloride	1500
Magnesium	800
Sodium	800
Sulfate	1000
Nitrate+Nitrite-N	100

* Based on the guidelines for livestock watering.

3. The protection of the defined uses requires application of the ion guidelines as 'end-of-pipe' limits in general waters. In designated waters, the guideline values would be met at the boundary of the mixing zone.

Ralph Turkle said that these are guidelines to help in direct staff, not a set standard. We do not have a table of guidelines for irrigation protection, partly due to the short come of data. EPA's level of chloride is 230 mg/l for chronic aquatic life protection and 860 mg/l for acute protection. The 230 mg/l level is a national criterion.

Heidi Vittetoe asked if the municipality effects are overstated that we've heard today.

Ralph Turkle said that if we were to generalize across the state, yes. I'm not discounting what is going on at LaMars. They probably have some nasty chlorides that no one was aware of. And now they are concerned about what to do with it. There are probably other towns that are over using a convience/chloride.

Jerry Peckumn asked if a small town could not find a way to meet whatever we pass. What would be their procedure for obtaining a variance?

Chuck Corell said that we wouldn't call it a variance because EPA says that if you give someone a variance you've passed the standard for that stream without going through the rulemaking process.

Darrell Hanson said that he would like to see standards set at a protective level and then deal with the hard cases individually.

Motion was made by Darrell Hanson to adopt items # 3-7 of Final Rule – Chapter 61 and 62. Seconded by Jerry Peckumn. Motion carried unanimously.

APPROVED AS AMENDED

DISCUSSION OF ITEMS 1 & 2 - TDS & CHLORIDE ITEMS:

Connie Dou, Environmental Engineer, Water Quality Bureau with the Department of Natural Resources passed out a handout consisting of charts for Chloride concentration, Stream Background Concentrations for Chloride and TDS, and what other states are using as a standard for Chloride and TDS.

Stream Background Concentrations for Chloride and TDS

Streams	**Chloride (Jan. 2001 – Dec. 2003)**		**TDS (Jan. 2000 – Dec. 2003)**	
	Min.	Max.	Min.	Max.
Little Sioux River near Milford	11	50	260	**1060**
West Fork Ditch at Hornick	12.0	110	370	550
Floyd River near Sioux City	5.6	120	220	**870**
East Nodaway River near Clarinda	5.3	23	140	380
Indian Creek near Colfax	12	80	270	520
Beaver Creek near Grimes	8.1	170	200	**960**
Old Mans Creek near Iowa City	11	54	190	400
English River at Riverside	6.5	40	150	450
Yellow River near Volney	13	72	180	470
Upper Iowa River near Dorchester	7.7	19	190	400
South Skunk River Upstream of Ames	12	100	190	600
South Skunk River near Cambridge	14	120	200	580
Little Sioux Upstream of Spencer	11	51	270	650
Little Sioux River Downstream of Spencer	14	69	280	660

Chloride Criteria for the Surrounding States (mg/l)

States	**Use Category**				
	Aquatic Life		**Livestock and Wildlife**	**Irrigation**	**Drinking Water**
	Acute	**Chronic**			
Kansas	860	-	-	-	250
Missouri	860	230	-	-	250
Nebraska	-	-	-	-	250
Illinois	500	500	500	500	250
Minnesota	860	230	-	-	250
Wisconsin	757	395	-	-	-
IOWA (proposed)	**860**	**372**	**1500**	**1500**	**250 (current)**

TDS Criteria for the Surrounding States (mg/l)

States	**Use Category**			
	Aquatic Life	**Livestock and**	**Irrigation**	**Drinking Water**

		Wildlife		
Kansas	-	Sulfate = 1000	-	-
Missouri	-	-	-	-
Nebraska	-	<1400[a] (April 1 – Sept 30)	<1400[a] (April 1 – Sept 30)	500
Illinois	1000 or 1500	-	-	500
Minnesota	-	Salinity = 1000	Salt = 700	500
Wisconsin	-	-	-	-
IOWA (proposed)	**Site-specific Toxicity test**	**Specific Ion Guideline Values**	**Specific Ion Guideline Values**	**-**

[a]Converted from conductivity of 2,000 umhos/cm

(A handout of the complete information can be located in the Department's Record Center).

Motion was made by Heidi Vittetoe to table items 1 & 2 of Final Rule – Chapter 61 and 62 and to direct the Department to move forward with new standards and that this item be placed at the top of the agenda next month. Seconded by Terry Townsend. Motion carried unanimously.

TABLED

Jay Eaton suggested that the Commission should not disclude public participation regarding this item next month.

NOTICE OF INTENDED ACTION - CHAPTER 49 - NONPUBLIC WATER SUPPLY WELLS AND CHAPTER 82 -WELL CONTRACTOR CERTIFICATION

Charles C. Corell, Water Quality Bureau Chief presented the following item.

The Commission will be presented with draft rule amendments to Chapter 49 - Nonpublic Water Supply Wells and Chapter 82 - Well Contractor Certification. The intent of these changes is to implement HF 583 (2003 Iowa Code 455B.190A) on certification of pump installers from the 2002 legislative session. The amendments being proposed in Chapter 49 would:

- Set technical requirements for proper installation of well pumps and related plumbing up to the pressure tank.
- Amend the purpose, add technical definitions and expand the sections addressing proper pump and plumbing installation.

The amendments being proposed in Chapter 82 would:

- Add the additional category of certified pump installer contractor
- Add definitions for pump services and define who may perform well services and pump services.
- Exempts public water supply operators from pump installer certification requirements.
- Set testing, fee and continuing education requirements for pump installers.

- Establish a general test and technical tests for well drillers and pump installers.
- Establish a peer advisory committee to help the department review application experience requirements and recommend future rule modifications.
- Set the sign-up period for registration without testing established in the law.

This law was authored and lobbied for by the Iowa Water Well association. The law established an advisory committee to help draw up the rules, write the tests, and modify the consumer information booklet. This rule package represents the results of this committee's consensus.

Motion was made by Jerry Peckumn to approve Chapter 49 and Chapter 82. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
February 1, 2004

Proposal	Notice to Commission	Notice Published	ARC#	Rules review Committee	Hearing	Comment Period	Final Summary to Commission	Rules Adopted	Rules Published	ARC#	Rules Review Committee	Rule Effective
1. Ch. 11 – Tax Certification of Pollution Control or Recyclin	2/16/04	*3/17/04		*4/06/04	*4/08/04	*4/08/04	*5/17/04	*5/17/04	*6/09/04		*7/06/04	*7/14/04

g Property												
2. Ch. 20, 22 – PSD – Definitions	11/17/03	2/04/04		*3/09/04	*4/01,02/04	*4/09/04	*5/17/04	*5/17/04	*6/09/04		*7/06/04	*7/14/04
3. Ch. 20, 32 – Health Effects Value (HEV)	12/15/03	1/07/04		*2/03/04	2/17, 23, 25; 3/04, 11/04	*4/08/04	*5/17/04	*5/17/04	*6/09/04		*7/06/04	*7/17/04
4. Ch. 23 – Emission Standards for Contaminants – Waste Incineration	11/17/03	12/10/03	3005B	1/06/04	1/16/04	1/16/04	2/16/04	*2/16/04	*3/17/04		*4/06/04	*4/21/04
5. Ch. 40, 41, 42, 43, 44, 81 and 83 – Drinking Water Operator Certification and Lab Certification Programs	8/18/03	9/17/03	2779B	10/13/03	10/7,8, 10, 13-15/03	10/17/03	12/15/03	12/15/03	1/07/04	3094B	*2/09/04	*2/11/04
6. Ch. 49, 82 – Certification of Pump Installers	2/16/04	*3/17/04		*4/06/04	4/6,7,8,13, 14,15,16/04	*3/26/04	*5/17/04	*5/17/04	*6/09/04		*7/06/04	*7/14/04
7. Ch. 61 – Water Quality Standards	8/18/03	9/17/03	2776B	10/13/03	10/7,9, 10, 13,15,17/03	10/31/03	2/16/04	*2/16/04	*3/17/04		*4/06/04	*4/21/04
8. Ch. 65 – Animal Feeding Operations-Construction Standards	7/21/03	8/20/03	2716B	9/10/03	9/11/03	9/11/03	1/20/04	1/20/04	*2/18/04		*3/09/04	*3/24/04
9. Ch. 65 – Animal Feeding Operations – Manure Applicators	10/20/03	11/12/03	2924B	12/09/03	12/03/03	12/03/03	*3/22/04	*3/22/04	*4/14/04		*5/04/04	*5/19/04
10. Ch. 65 – MMP	1/20/04	*2/18/04		*3/09/04	*3/23/04	*3/23/04	*4/19/04	*4/19/04	*5/12/04		*6/08/04	*6/16/04

Content Requirements; Phosphorous Index												
11. Ch. 111 – Financial Assurance Requirements for SWLFs	**9/15/03**	**10/15/03**	**2863B**	**11/10/03**	**11/05/03**	**11/05/03**	**1/20/04**	**1/20/04**	***2/18/04**		***3/09/04**	***3/24/04**

Monthly Variance Report

January, 2004

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Ag Bio-Power, LC-Chelsea	Air Quality		Permit Requirements	Approved	01/07/04
2	Aveka Manufacturing-Fredericksburg	Air Quality		Permit Requirements	Approved	01/20/04
3	ADM-Clinton	Wastewater Construction		Site Separation	Approved	01/16/04
4	Marengo, City of	Wastewater Construction	Veenstra & Kimm, Inc.	Sewer Grade	Approved	01/05/04
5	Cedar Rapids, City of	Wastewater Operation		Monitoring Frequency	Approved	01/16/04
6	Sheldon, City of	Wastewater Operation		Monitoring Frequency	Approved	01/14/04
7	Des Moines Water Works	Watersupply Construction	Des Moines Water Works	Phosphates	Approved	01/02/04
8	Westcott Heights #3-Bettendorf	Watersupply Construction	MMS Consultants, Inc.	Water Monitoring	Approved	01/02/04

Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions

During the period January 1, 2004, through January 31, 2004, 38 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

	Substance				**Mode**					
Month	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	73 (55)	11 (4)	45 (40)	17 (11)	21 (18)	41 (32)	2 (1)	1 (2)	3 (0)	5 (2)
November	67 (57)	8 (13)	40 (29)	19 (15)	19 (18)	37 (36)	1 (0)	1 (0)	1 (1)	8 (2)
December	50 (40)	10 (2)	29 (27)	11 (11)	21 (12)	26 (24)	0 (1)	0 (2)	1 (0)	2 (1)
January	38 (40)	6 (6)	24 (17)	8 (17)	7 (12)	29 (24)	1 (1)	0 (2)	1 (0)	0 (1)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	228 (192)	35 (25)	138 (113)	55 (54)	68 (60)	133 (116)	4 (3)	2 (6)	6 (1)	15 (6)

(numbers in parentheses for same period last year)

*Other includes dumping, theft, vandalism and unknown

Total Number of Incidents Per Field Office This Month.

1	2	3	4	5	6
3	12	4	6	7	6

Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases

During the period January 1, 2004, through January 31, 2004, 1 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	8 (10)	0 (0)	2 (5)	2 (1)	2 (4)	6 (9)	0 (1)	0 (0)	0 (0)	0 (1)
November	5 (12)	0 (0)	2 (4)	2 (3)	1 (5)	5 (12)	0 (0)	0 (0)	0 (0)	0 (0)
December	4 (5)	0 (0)	1 (1)	0 (0)	2 (3)	2 (3)	0 (0)	1 (1)	0 (0)	0 (0)
January	1 (3)	0 (0)	1 (2)	0 (0)	0 (0)	1 (2)	0 (0)	0 (0)	0 (0)	0 (1)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	18 (30)	0 (0)	6 (12)	4 (4)	0 (0)	14 (26)	0 (1)	1 (1)	0 (0)	0 (2)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Month.

1	2	3	4	5	6
0	0	1	0	0	0

DATE: February 1, 2004

TO: EPC

FROM: Mike Murphy

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Pocahontas, City of (3)	Wastewater	Discharge Limits; Water Quality Violations – General Criteria	Order/Penalty $5,000	12/01/03
Swine USA – Davis Finishing Site, Clarke Co. (5)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty $750	1/05/04
McCarty Farms; Ron and Pat McCarty, Sheldon (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; WQ Violations – General Criteria	Order/Penalty $4,000	1/05/04
ITWC, Inc., Brooklyn (5)	Air Quality	Construction Without Permit	Consent Amendment $5,000	1/13/04
Trent Ellis, Calhoun Co. (3)	Animal Feeding Operation; Solid Waste; Air Quality	Prohibited Discharge – Confinement; Failure to Report a Release; Illegal Disposal; Open Burning	Order/Penalty $3,000	1/13/04
Landfill of Des Moines, Inc., Des Moines	Solid Waste	Illegal Disposal; Other Violations	Order/Penalty $7,000	1/13/04
Larry Johnson; Denzel Edwards, Cass Co. (4)	Air Quality Solid Waste Hazardous Conditions	Open Burning; Illegal Disposal; Failure to Notify	Order/Penalty $6,000 $6,000	1/13/04
Mark Anderson, Burlington (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty $10,000	1/13/04
Sutherland, City of (3)	Wastewater	Monitoring/Reporting; Compliance Schedule; Operational Violations	Order/Penalty $2,500	1/13/04
Runnells, City of (5)	Drinking Water	Certified Operator	Order/Penalty $5,000	1/13/04
Barnes City, City of (5)	Wastewater	Prohibited Discharge	Order	1/13/04
Broin & Associates, Inc. aka Otter Creek Ethanol, LLC, Osceola Co. (3)	Wastewater	Construction Without Permit; Stormwater – Pollution Prevention Plan Violations	Order/Penalty $10,000	1/16/04
Broin & Associates, Inc. aka Iowa Ethanol, LLC, Worth Co. (2)	Wastewater Drinking Water	Construction Without Permit	Order/Penalty $10,000	1/16/04
Iowa Ethanol, LLC; Reilly Construction Co., Inc. Worth Co. (2)	Wastewater	Stormwater – Pollution Prevention Plan Violations	Order/Penalty $10,000	1/16/04
Mike Phillips aka Jeff Phillips, Cambridge (5)	Air Quality	Open Burning	Order/Penalty $5,000	1/16/04
Shenandoah, City of (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty $10,000	1/16/04
Frank Robank, Little Sioux (4)	Underground Tank	Tank Closure	Consent Order	1/23/04
Galen Vander Pol, Sutherland (3)	Wastewater	Certified Operator Discipline	Notice of Intended Disciplinary Action	1/28/04
Gettler Dairy, Guthrie Co. (4)	Animal Feeding Operation	Construction Without Permit; Manure Management Plan Violations; Prohibited Discharge – Confinement; Uncertified Applicator	Order/Penalty $5,000	1/29/04
Frederika's Stein & Dine, Frederika (1)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Amended Order	1/29/04

IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU

DATE: February 1, 2004

TO: Environmental Protection Commission

FROM: Michael P. Murphy

SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Coralville, City of (SEP)	WW	3,000	2-11-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	5-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
St. John's Lutheran Church (Greene)	WS	250	7-02-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
* John Smith d/b/a Four Corners Tap (Lockridge)	AQ/SW	350	10-15-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Finley Mondia (West Chester)	UT	6,430	12-23-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
# Dave Jones (Union Co.)	AFO	1,550	2-14-03
* Moonshine Tap (New Hampton)	WS	200	2-15-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
Lidderdale, City of	WS	500	3-04-03
Nevada, City of SEP	WW	3,000	3-14-03
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	3,100	3-30-03
Lidderdale, City of	WW	10,000	4-08-03
Scooter's Tower Club (Cresco)	WS	500	4-29-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
Casey’s General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
Casey’s General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
McMahon’s Bar & Ballroom (Andover)	WS	500	8-08-03
Lewis Hartgers (Jasper Co.)	AQ/SW/WW	3,000	11-04-03
# Holstein Dairy, LLP (Ida Co.)	AFO	750	11-07-03
# James Boller (Kalona)	AFO	5,000	11-30-03
*#Roger Bockes, et. al. (Tama Co.)	AFO	600	12-01-03
#*Avery Feeder Pig Co. (Humboldt Co.)	AFO	1,250	12-15-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	975	12-15-03
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)SEP	SW	1,000	12-23-03
Robert L. Nelson (Orient)	UT	2,450	12-26-03
Ron Ely (Humboldt Co.)	HC	250	12-30-03
William Day (Iowa Co.)	SW/WW	2,000	1-02-04
#*Van Middendorp Dairy (Sioux Co.)	AFO	1,750	2-15-03
Custom Feeds, Inc. (Muscatine) ($7,000/SEP)	AQ	3,000	1-23-03

#*James Masching (Carroll Co.)	AFO/WW	3,000	1-25-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	5,000	2-01-04
* John and Bernice Danner (Lucas Co.)	WW	775	2-15-04
# Brian Stortz; S & P Enterprises (Waukon)	AFO	1,000	2-17-04
# Bryan Swenson (Hamilton Co.)	AFO	1,500	3-06-04
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750	3-09-04
# McCarty Farms; Ron and Pat McCarty (O'Brien Co.)	AFO	4,000	3-09-04
Carpenter Bar & Grill (Carpenter)	WS	10,000	3-13-04
Runnells, City of	WS	5,000	3-21-04
Sutherland, City of	WW	2,500	3-22-04
Larry Johnson; Denzel Edwards (Cass Co.)	AQ/SW/HC	12,000	3-22-04
Mark Anderson (Des Moines Co.)	AQ/SW	10,000	3-22-04
# Trent Ellis (Calhoun Co.)	AQ/SW/AFO	3,000	3-23-04
Landfill of Des Moines, Inc. (Des Moines)	SW	7,000	3-23-04
Independence Mobile Home Park (Independence)	WS	800	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860	-----
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750	-----
James L. Heal d/b/a A-1 Domestics (Homestead)	SW/WW	1,800	-----
Well's Dairy, Inc. (LeMars) SEP	WW	5,000	-----
American Shell Co.; James L. Peach (Fairport)	UT	6,200	-----
SSJG Petroleum, Inc. (Muscatine)	UT	10,000	-----
# Mid-Iowa Farm Services, Inc. (Stanhope)	AFO	1,000	-----
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000	-----
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000	-----
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000	-----
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	-----
Shenandoah, City of	AQ/SW	10,000	-----
# Gettler Dairy (Guthrie Co.)	AFO	5,000	-----
	TOTAL	**400,845**	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01

	Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
	Marvin Oberly (Burlington)	WW	1,300	6-27-01
	Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
	M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
	Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
	Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
	Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
	Oran Pub & Grill (Fairbank)	WS	100	6-03-02
#	John C. Kelso (Worth Co.)	AFO	1,500	7-29-02
	M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
	M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
	Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	2,000	12-01-02
	Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
	John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
	Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
	Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
	Park View Motel (Oelwein)	WS	750	9-06-02
	Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
	Iowa Skate U (Iowa Falls)	WS	600	5-11-02
	Iowa Skate U (Iowa Falls)	WS	500	5-11-01
*	Bog's Bar (Langworth)	WS	200	6-19-03
	Mike Messerschmidt (Martinsburg)	AQ/SW	500	
#	Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
	Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
	Jolly Roger Recreation and Marina, Inc. (North Liberty)	WS	600	7-14-03
	Mitchell Town Pump; Jeremy Mostek (Mitchell)	WS	500	7-09-02
#	Kevin Hohbach (Taylor Co.)	AFO	2,000	6-30-03
	Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
	Johnny B Good’s (Dyersville)	WS	500	8-01-03
	Honey Creek Campground (Crescent)	WS	1,000	4-30-02
	Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
		TOTAL	**235,789**	

The following administrative penalties have been appealed:

	NAME/LOCATION	PROGRAM	AMOUNT
	Dennis Malone & Joanne Malone (Morning Sun)	UT	600
	Dallas County Care Facility (Adel)	WW	2,500
	Richard Sprague (Tripoli)	AQ/SW	5,000
	Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
	Robert Diehl (Clarke Co.)	WW/WS	5,000
	Gerald and Judith Vens (Scott Co.)	FP	5,000
#	Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
#	Dan Witt (Clinton Co.)	AFO	3,000
	Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
	Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
	R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
#	Floyd Kroeze (Butler Co.)	AFO	3,000
	Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
	Long Branch Maintenance Corp. (Earlham)	WW	5,000
	Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
	Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
	LeMars, City of	WW	10,000
	Dallas County Care Facility (Adel)	WW	5,000
	Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	2,500
	Robert Ward (Lee Co.)	WW	1,450
	Partners Four Investments, Inc. (Marble Rock)	UT	5,280
	William Habhab (Fort Dodge)	SW	1,500
	Jones Co. Conservation Board; Central Park	WS	250
	Arthur, City of	WW	2,000

James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
Emer Carlson (Fairfield)	AQ	6,500
ITWC, Inc. (Brooklyn)	AQ	7,500
Wellington Environmental (Iowa City)	AQ	1,000
Kevin Wallerich (Keota)	SW/WW	500
# Frank Siemans (Wright Co.)	AFO	2,500
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
Lehigh Portland Cement Co. (Mason City)	WS	300
Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Garry B. Pellett; Pellett Chemical Co.; Charles R. South	UT	2,645
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Butler Custom Pumping, Inc.; Robert Butler (Adams Co.)	AFO	2,500
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000
# Kuntz Farms, Inc. (Des Moines Co.)	AFO	1,000
Landfill of Des Moines, Inc. (West Des Moines)	SW	10,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Einck Dairy; D & J Pumping (Winneshiek Co.)	AFO	4,000
# Dan Fox d/b/a Modern Manure Hauling; Jason Fox; Larry Peterson (Shelby Co.)	AFO	5,000
# Natural Pork Prodution, II LLC (Shelby Co.)	AFO	5,000
# Larry Noel (Floyd Co.)	AFO	2,000
# New London Dairy; Steve Walter dba Walter & Sons	AFO/RWA	5,000
Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods - Council Bluffs)	WW	10,000
# Natural Pork Production II (Shelby Co.)	AFO	10,000
Denny Geer (Taylor Co.)	AQ/SW	3,000
Casey's General Stores, Inc. #2472 (Nichols)	WS	5,000
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	4,300
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
Country Terrace Mobile Home Park (Ames)	WW	10,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
Brad Taylor (Pottawattamie Co.)	AQ/SW	3,500
# Denny Holtrip (Cherokee Co.)	AFO	750
Westfair Association, The (Council Bluffs)	WS	1,500
# Poverty Acres Feedlot, Inc. (Sioux Co.)	AFO	3,500
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Cedar Rapids, City of	WW	1,000
The Welco Group; David Levin; Kwik Trip (Camanche)	UT	3,500
Country Living MHP (Altoona)	WW	5,000
Kent Kiburz (Humboldt Co.)	SW	2,500
Strawberry Point, City of	WW	10,000
Casey's Marketing Co. (Jefferson)	UT	5,224
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
Dennis Bandstra d/b/a Big Dutch (Sioux Center)	AQ/SW	1,000
D & S Swine L.L.C. (Humboldt Co.)	WW	1,000

# River Valley Farms (Mahaska Co.)	AFO	750
Central Counties Cooperative (Kellogg)	AQ	5,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
# Tom Wageman Farm (Shelby Co.)	AFO	750
Greenman Technologies of Iowa, Inc. (Des Moines)	SW	2,000
Siouxland Energy & Livestock Cooperative (Sioux Center)	AQ/HC/WW	10,000
Harlan Clasen (Rock Rapids)	AQ/SW	10,000
Russell and Kay Barkema; K.R. Construction (Wright Co.)	AQ/SW	7,000
# Jeff Holland (Winnebago Co.)	AFO	5,500
# Rick Van Roekel (Sioux Co.)	AFO	1,500
Boyer's Sand and Rock, Inc.; William Boyer (Hawarden)	UT	2,380
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Richard and Jerald Reiter (Jackson Co.)	AFO	6,000
# Richard and Jerald Reiter (Dubuque Co.)	AFO	4,000
# Bob Kerrigan (Union Co.)	AFO	750
# Van Veldhuizen Dairy (Sioux Co.)	AFO	2,000
# Loru Farm Partnership (Osceola Co.)	AFO	3,000
	TOTAL	**410,579**

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Twin Lakes Sanitary Sewer District (Calhoun Co.)	WW	5,000
#*James Masching (Carroll Co.)	AFO/WW	2,000
Dynamic Investments, Inc. (Wapello)	UT	1,950
# Bruce Lorch (Osceola Co.)	AFO	1,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	2,500
Walker Brothers Livestock Corp. (Washington)	WW	1,000
#*Van Middendorp Dairy (Sioux Co.)	AFO	250
*#Robert Fisher (Hamilton Co.) PAID IN FULL	AFO	100
* John and Bernice Danner (Lucas Co.)	WW	75
W & H Cooperative Oil Co.	HC	750
Pita Corporation; Larry Swanson (Grinnell)	UT	750
* Paul L. Nagle (Clear Lake) PAID IN FULL	AQ	100
Carpenter Bar & Grill (Carpenter)	WS	100
Robert Marburger (Sabula)	UT	1,440
	TOTAL	**17,015**

The following penalties were deferred:

Larry Meixner d/b/a Air Bears II (Thompson)	WS	300
Brittany Estates Addition (Manchester)	WS	4,000
Frederika's Stein & Dine (Frederika)	WS	2,875
Robert Watson (Griswold)	UT	1,700
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750

Iowa Department of Natural Resources
Environmental Protection Commission
Attorney General Referrals
January 1, 2004

Name, Location and Region Number	Program	Alleged Action	DNR Action	New Updated Status	Date

ABC Disposal Systems Hiawatha (1)		Solid Waste	DNR Defendant	Defense	Petition Filed Hearing Ruling for State Notice of Appeal Appellant's Proof Brief Appellee's Proof Brief	6/26/02 10/07/02 12/26/02 1/28/03 4/25/03 6/27/03
Bauer, Michael Davenport (6)	**UPDATED**	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment State Motion to Compel Order Granting Motion to Compel State Motion for Sanctions Order Granting Sanctions ($500) State Motion for Additional Sanctions Default Judgment Contempt Hearing	2/18/02 8/08/02 1/27/03 4/17/03 8/06/03 8/24/03 9/10/03 9/29/03 10/16/03 11/19/03 4/12/04
Bee Rite Tire Disposal, Inc. Rhodes, State Center (5)	**UPDATED**	Solid Waste	Solid Waste Violations	Order/Penalty	Referred Petition Filed	5/20/02 1/26/04
BCD Corporation Council Bluffs (4)		Wastewater	Operation Without Permit; Pollution Prevention Plan Violation	Order	Referred	7/22/02
Buhr, Lee; Meadow Mist Motel Park View Motel Oelwein (1)		Drinking Water	Monitoring/Reporting-Bacteria, Nitrate; Public Notice	Order/Penalty	Referred	3/17/03
Buringrud, Mark fdba Carpenter Bar & Grill Carpenter (2)		Drinking Water	Monitoring/Reporting-Bacteria, Nitrate	Order/Penalty	Referred	9/15/03
Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2)		Solid Waste Wastewater	Illegal Disposal; Operation Without Permit	Order/Penalty	Referred	10/21/02
Davis, Richard Wapello Co. (6)	**UPDATED**	Air Quality	Asbestos	Order/Penalty	Referred Petition Filed Application for Default Order Granting Judgment on Default Motion for Contempt Contempt Hearing Date	8/19/02 11/27/02 2/01/03 3/14/03 6/05/03 4/07/04
Golden, Randy S.; R. Excavating Council Bluffs (4)	**UPDATED**	Wastewater	DNR Defendant	Defense	Petition Filed Answer Oral Argument	4/16/02 5/09/02 6/08/04

Handlos, Lawrence Audubon Co. (4)	Animal Feeding Operation; Wastewater	Construction Without Permit; Failure to Submit MMP; Operation Violations; Stormwater – Operation Without Permit	Referred to Attorney General	Referred	7/21/03
Harper, David Harper's Marina; Jolly Roger Campground North Liberty (6) **UPDATED**	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Permit Renewal Fees; Public Notice	Order/Penalty	Referred Motion for Judgment Admin. Penalty Paid ($600)	8/18/03 1/23/04 1/30/04
Hohbach, Kevin Red Oak (4)	Animal Feeding Operation	Application in Excess of Crop Usage Rate	Order/Penalty	Referred	9/15/03
Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4) **UPDATED**	Animal Feeding Operation	Prohibited Discharge – Confinement	Referred to Attorney General	Referred Petition Filed Trial Date Consent Decree ($5,000/Civil)	2/18/02 2/03/03 1/27/04 1/26/04
Johansen, Don d/b/a Bog's Bar Langworthy (1) **UPDATED**	Drinking Water	Monitoring/Reporting-Bacteria	Order/Penalty	Referred Admin. Penalty Paid ($200)	11/18/02 2/25/03
Johnson, Shelly Lynn d/b/a Oran Pub & Grill Fairbank (1) **UPDATED**	Drinking Water	Monitoring/Reporting-Nitrate; Permit Renewal Fee; Public Notice	Order/Penalty	Referred Administratively Closed	11/18/02 1/10/04
Jolin, John; Michael Kolbold Sioux City (3) **UPDATED**	Underground Tank	UST Closure	Order/Penalty	Referred Petition Filed	3/17/03 12/29/03
Kelso, John C. Worth Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	11/18/02
Kramer, John and Laura Johnny B Good's Dyersville (1)	Drinking Water	Monitoring/Reporting, Bacteria, Nitrate; Public Notice	Order/Penalty	Referred	10/20/03
M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington (6)	Wastewater	Monitoring/Reporting; Operational Violations; Operator Discipline	Order/Penalty	Referred	1/21/03
Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6)	Air Quality	Emission Limits	Referred to Attorney General	Referred	1/22/02
Meixner, Larry; Air Bears II Thompson (2) **UPDATED**	Drinking Water	Monitoring/Reporting – Bacteria; Nitrate	Order/Penalty	Referred Administratively Closed	4/21/03 1/16/04

Messerschmidt, Mike Keokuk Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	7/21/03
Miller, Albert Kalona (6)	Air Quality	Open Burning; Asbestos	Order/Penalty	Referred	12/15/03
Mobile World L.C. Clinton (6) **UPDATED**	Wastewater	Monitoring/Reporting; Operational Violations	Order/Penalty	Referred Motion for Judgment	11/18/02 1/21/04
Moore, C. D. d/b/a Iowa Skate U Iowa Falls (2)	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria, Nitrate	Order/Penalty	Referred	5/19/03
Mostek, Jeremy Osage (2)	Drinking Water	Construction Without Permit; Monitoring/Reporting – Bacteria, Nitrate; MCL – Bacteria; Public Notice	Order/Penalty	Referred	9/15/03
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5) **UPDATED**	Wastewater	Discharge Limits	Order/Penalty	Referred Petition Filed Default Entered Order Granting Default Judgment ($5,000/Civil)	2/19/01 3/20/02 11/12/02 1/05/04
Oberly, Marvin Burlington (6)	Wastewater	Operation Without Permit	Order/Penalty	Referred	7/15/02
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5) **UPDATED**	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty ($100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03 8/01/03 8/20/03 9/18/03 2/13/04

Paplow, Dave Indianola (5) **UPDATED**	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed	3/17/03 12/08/03
Roquette America, Inc. Keokuk (6)	Air Quality	Violations – Other	Order	Referred	4/21/03
Schaffer, Dale Kent (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/21/03
Schlag, Dana d/b/a Plantation Village Mobile Home Park Burlington (6)	Drinking Water	MCL; Public Notice Monitoring/Reporting – Radioactivity	Order/Penalty	Referred	7/21/03
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred	6/20/97 12/09/98 11/21/02
Simon, Carl Dubuque Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard	Order/Penalty	Referred	7/21/03
Snoody, Pat Honey Creek Campground Crescent (4)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate; Public Notice	Order/Penalty	Referred	10/20/03
Trafton Environmental, Inc.; Harry Trafton; Interstate Lounge, Inc. Underwood (4) **UPDATED**	Underground Tank	UST Closure	Order/Penalty	Referred Petition Filed	2/17/03 1/02/04
Van Meter Development Corp.; C. Dave Albright Polk Co. (5)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty	Referred	2/17/03
Wisconsin North, LLC d/b/a K & K Food & Gas, Inc.; Khushat Singh Davenport (6) **UPDATED**	Underground Tank	Corrective Action; Failure to Report a Release; Leak Detection	Referred to Attorney General	Referred Petition Filed Motion for Default Judgment Default Judgment ($100,000/Civil)	3/17/03 11/07/03 1/20/04 1/22/04
Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997 Clinton (6) **UPDATED**	Underground Tank	Failure to Initiate Corrective Action-CDR	Referred to Attorney General	Referred Petition Filed Motion for Default Judgment	10/21/02 11/07/03 1/20/04

5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/ HC	Tack	12/18/03 – Initial site assessment completed by

						responsible parties. Follow-up investigation is underway.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	**Settlement documents forwarded on 1/27/04.**
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/ WS	Murphy	NPDES permit issued 3/28/02 with compliance schedule. Continuing to monitor for compliance.
3/18/99	**Ag Processing, Inc. (Sergeant Bluff)**		**Title V Operation Permit Conditions**	**AQ**	**Preziosi**	**4/03 – Settled. Consent order signed. Case closed.**
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	9/02/03 – Vens rejects Dept. settlement offer.
10/22/99	**Robert Fisher**	**2**	Admin. Order/Penalty	**AFO**	**Clark**	**1/26/04 – Final monthly settlement installment received. Case closed.**
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	**8/15/03 – Plans and specs received for relief sewer. 8/2/03 – Dept. engineer letter sent with comments on plans and specs and compliance schedule approved by Dept. Schedule to be placed in order. 10/13/03 – Dept. construction permit for WWTF improvements with final schedule issued. 10/31/03 – Consent order drafted for staff review. 11/7/03 – Consent order sent to City for review and mayor's signature. 12/26/03 – Dept. follow-up letter to City attorney. 12/29/03 – Response from City.**
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/H C	Tack	Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 4/03.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	**10/03/03 – Settlement offer to Kronlage's attorney. 1/16/04 – Status request to Kronlage's attorney.**
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Petition for judicial review filed. AG to handle.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	8/03 – Permit issued; it is being challenged by third parties in district court.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	**1/23/04 – Final letter inviting settlement prior to transfer to DIA.**
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Settlement agreement. Hearing continued. Tier 2 received – approved high risk. Negotiate penalty and further corrective action.

8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
8/13/01	ABC Disposal Systems, Inc.	1	**Admin. Order/Penalty**	SW	Tack	4/15/02 – Proposed decision upheld by EPC. Petition for judicial review filed. 12/26/02 - District Court ruled in favor of Dept. 1/28/03 – Appealed to Iowa Supreme Court.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	**2/28/03 – Proposed consent order with attachments sent to facility attorney for review/signature. 3/03 – Further information concerning WWTF sent by facility engineer. 4/03 – Revised consent order drafted. 12/03 – Dept. letter and consent order to corporation's attorney. 1/27/04 – Facility attorney sent suggested changes to order. 1/29/04 – Dept. sent revised consent order.**
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/ HC	Wornson	Compliance mostly achieved. Confirmational monitoring. Negotiating penalty.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	**8/22/02 – Informal meeting held to discuss settlement. On hold until companion case resolved. 10/03 – Letter to City attorney regarding appeal resolution. 11/21/03 – Dept. received response from City attorney regarding City's compliance status with order. 1/04- Letter to City attorney regarding compliance status.**
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	**10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal.**
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	**10/30/03 – Erosion controls installed. DNR settlement demand. 12/24/03 – Response. 1/21/04 - $2,500 of $5,000 penalty received.**
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Hearing continued. Settlement discussions with one party. Motion for default vs. Eblen filed 11/26/03 and granted 12/3/03. Motion to set aside default filed.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Clean-up underway.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	**3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues. 9/02 – Letter received from MHP attorney. 10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status**

						report requested from Dept. staff.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	**Hearing rescheduled for 4/25/03 to allow City to complete TKN monitoring requested by WW permits staff. 3/03 – One year of TKN monitoring completed by City. Review of data completed by WW permits staff. 4/13/03 – Dept. letter to City attorney regarding review of TKN data and Dept. conclusions regarding such data. Hearing re-set for 6/20/03. 6/03 – City requested continuance to do stream study regarding TKN and NH3N in stream. ALJ granted continuance. 7/25/03 – Dept. staff reviewing City's stream study sampling plan. 8/7/03 – Dept. memo to City engineering concerning City's TKN and NH3N sampling plan for stream study. 12/26/03 – Follow-up letter to City attorney regarding status of stream study. 1/04 – City attorney sent letter regarding stream study.**
4/11/02	William Habhab	2	Order/Penalty	SW	Tack	Site enrolled in EPA Brownfield Pilot Project by City of Ft. Dodge. Site testing completed 10/02. Remediation/clean-up scheduled for 2003.
5/01/02	**Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash**	**6**	**Order/Penalty**	**WW**	**Murphy**	**1/04 – Settled. Payment plan established. Case closed.**
5/07/02	Jones County Conservation Board; Central Park	1	Order/Penalty	WS	Hansen	**6/30/03 – Compliance status report requested from WS section. 7/29/03 – Report received from WS section. 10/03 – Dept. letter to Jones CCB regarding appeal. 11/17/03 – Response received from Jones CCB regarding compliance with order requirements. 12/26/03 – Dept. letter with settlement offer. 1/28/04 – Dept. letter sent regarding settlement.**
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	Compliance inititated.
5/09/02	Arthur, City of	3	Order/Penalty	WW	Hansen	7/31/03 – Dept. letter regarding resolution of appeal. 8/29/03 – Further information requested from FO. 9/03 – Discussion with City regarding possible SEP project. 10/28/03 – SEP proposal received from City for resolving appeal. 11/10/03 – City informed of conditions for SEP.
5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent order signed. Penalty is a non-

						monetary SEP to be conducted over the next 9 months. Completed half of the required 12 classes, deadline for remaining 6 classes moved to August, 2004, due to planning and financial difficulties.
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	5/01/03 – Settled. Monthly installment commenced 5/15/03.
5/23/02	Emer Carlson	6	Order/Penalty	AQ	Book	**Hearing rescheduled for 3/3/04.**
5/30/02	Paul Nagle	**5**	**Order/Penalty**	**AQ**	**Book**	**1/29/04 – Final penalty payment received. Case closed.**
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 - Richard Caves' bankruptcy pending. Negotiating resolution.
7/02/02	ITWC	5	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
7/02/02	Wellington Environmental (Iowa City)	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent amendment signed. Penalty to is a non-monetary SEP to be conducted over the next 9 months.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/ WW	Tack	9/26/02 – Amended order issued.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	**$500 penalty payment received for uncontested portion. 8/03 –Letter to City attorney regarding resolving appeal. 10/30/03 – Letter to City attorney regarding revised report. 11/03 – Response from City attorney regarding revised report. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement.**
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Murphy	9/23/03 – DNR letter requesting update; facility improvements to be made through DAGS.
7/24/02	Frank Siemens	2	Order/Penalty	AFO	Clark	**1/21/04 – Settled pending receipt of settlement payment.**
7/31/02	Nevada, City of	5	Order/Penalty	WW	Murphy	Settled. Awaiting SEP payment.
8/12/02	Garry B. Pellett; Pellett Chemical Co., Inc.	4	Order/Penalty	UT	Wornson	Late appeal. Closure sampling received. Further assessment required. Received delinquent tank fees. Negotiating penalty conditioned upon initiation of Tiered assessment.
8/15/02	Lehigh Portland Cement	2	Order/Penalty	WS	Clark	Negotiating before filing.
8/23/02	Clifton Clark	4	Order/Penalty	AQ/SW	Tack	Inspection on 6/27/03. Significant progress made on cleanup. Continued efforts needed.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	8/29/03 – Left message with Dahlhauser's attorney to return call regarding potential settlement.
9/03/02	Peter Cook	6	Order/Penalty	AQ/SW	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	**Order/Penalty**	AQ/SW	Tack	Clean-up underway. Expected to be completed by mid

						September, 2003. Penalty to be negotiated following clean-up.
10/02/02	Sioux City, City of	3	**Permit Conditions**	FP	Clark	Negotiating before filing.
11/04/02	**Walker Bros. Livestock Corp.**	**6**	Order/Penalty	**WW**	**Murphy**	**1/22/04 – Penalty settlement received. Case closed.**
11/22/02	Schell Family Partnership	5	**Order/Penalty**	SW/HC	Tack	Waiting for engineer's cost estimates.
11/27/02	River City Development; Russell Hardy	2	**Order/Penalty**	UT	Wornson	Appeal untimely. Tier 1 compliance initiated.
11/27/02	Chelsea, City of	5	**Order/Penalty**	WW	Murphy	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
1/13/03	Merrell Butler	4	**Order/Penalty**	AFO	Murphy	**1/20/04 – Sent to DIA.**
1/13/03	Glen Samuelson	4	**Order/Penalty**	AFO	Murphy	**1/20/04 – Sent to DIA.**
1/13/03	Butler Custom Pumping; Robert Butler	4	**Order/Penalty**	AFO	Murphy	**1/20/04 – Sent to DIA.**
1/14/03	**Monsanto**	**2**	Order/Penalty	**AQ**	**Preziosi**	**Penalty payment received. Case closed.**
1/24/03	Kuntz Farms, Inc.	6	**Order/Penalty**	AFO	Clark	Negotiating before filing.
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	**Order/Penalty**	AFO	Tack	3/18/03 – Settlement offer sent.
1/31/03	DIWAN, L.L.C.	6	**Order/Penalty**	UT	Wornson	Settlement consent order issued. Hearing continued indefinitely until terms of settlement are satisfied.
2/05/03	Landfill of Des Moines, Inc.	5	**Order/Penalty**	SW	Tack	Physical site closure completed. Waiting for closure certification from engineer.
2/10/03	Doug Osweiler	6	**Order/Penalty**	AFO	Book	Negotiating before filing.
2/14/03	United Suppliers, Inc.	5	**Permit Conditions**	WW	Hansen	**3/03 – Appeal reviewed by WW permits section. 10/31/03 – Dept. letter to Company attorney regarding meeting to discuss appeal. 12/03 – Discussions with company attorney regarding settlement. 1/04 – Letter received from facility attorney.**
2/24/03	Ray Slach	6	**Order/Penalty**	AFO	Clark	Negotiating before filing.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	**Order/Penalty**	AFO	Clark	Negotiating before filing.
3/06/03	Einck Dairy, Inc.; D & J Pumping, Inc.	1	**Order/Penalty**	AFO	Clark	Negotiating before filing.
4/01/03	Dan Fox d/b/a Modern Manure Hauling; Larry Peterson	4	**Order/Penalty**	AFO	Murphy	**1/13/04 – Response delayed through February due to conservatorship.**
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	**Order/Penalty**	AFO	Murphy	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	**Permit Conditions**	AQ	Preziosi	Negotiating before filing.
5/07/03	Frederika's Stein & Dine	**1**	Order/Penalty	**WS**	**Hansen**	**Hearing continued to 11/17/03. Informal meeting 10/2/03 to discuss settlement. 10/10/03 – Inspection of well by Black Hawk Co. inspector and a well company. 10/14/03 – Revised permit issued to WS by FO1. 10/30/03 – Letter to WS attorney regarding hearing. Hearing set for 1/30/04. 11/21/03 – WS attorney filed motion to amend petition and amended petition. 12/1/03 – Dept. filed resistance to motion with DIA. 12/03 – ALJ issued**

						order denying motion to amend petition. 1/23/04 – Settled. Penalty waived. Case closed.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	**Order/Penalty**	AFO	Murphy	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03. 1/02/04 – DNR letter to attorney.
5/15/03	Larry E. Noel	2	**Order/Penalty**	AFO	Clark	Negotiating before filing.
5/21/03	Natural Pork Production II (03-AFO-26)	4	**Order/Penalty**	AFO	Murphy	**Hearing set for 2/17/04.**
5/27/03	Casey's General Store #2472	6	**Order/Penalty**	WS	Murphy	9/1/03 – As-builts under review. 10/17/03 – Deficiency letter sent.
5/28/03	Denny Geer	4	**Order/Penalty**	SW	Tack	Clean-up progressing well. Penalty to be negotiated after cleanup is completed.
5/30/03	Gingerich Well & Pumping Service, LLC	6	**Order/Penalty**	WS	Wornson	Informal settlement meeting.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	**Order/Penalty**	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	**Order/Penalty**	AFO	Clark	Negotiating before filing.
7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	**Order/Penalty**	UT	Wornson	Negotiating before filing.
7/09/03	Country Terrace MHP	5	**Order/Penalty**	WW	Hansen	**7/10/03 – Dept. letter to owner. 8/12/03 – Facility owner letter received regarding appeal. 11/03 – Appeal sent to DIA . Hearing set for 1/26/04. 12/03 – Petition filed with ALJ. Dept. answer filed. Hearing reset for 2/23/04.**
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	**Order/Penalty**	AFO	Clark	Negotiating before filing.
7/14/03	Brad Taylor	4	**Order/Penalty**	AQ/SW	Tack	Partial site clean-up completed. Dept. to review wood waste management prior to penalty settlement discussions.
7/23/03	Denny Holtrip	3	**Order/Penalty**	AFO	Clark	**1/29/04 – Settled pending receipt of settlement payment.**
7/28/03	Westfair Association, The	4	**Order/Penalty**	WS	Hansen	Hearing continued to 12/12/03 in order to allow settlement discussion. 10/28/03 – Letter to attorney regarding hearing and submittal of as-builts for water storage units. 11/18/03 – Motion for continuance filed with ALJ. 11/25/03 – Dept. response filed with ALJ. 12/01/03 – ALJ order rescheduling hearing for 7/9/04.
7/28/03	Poverty Acres Feedlot Inc.	3	**Order/Penalty**	AFO	Clark	Negotiating before filing.
8/12/03	Southern Waste Handling, Inc.	5	**Order/Penalty**	AFO	Clark	Negotiating before filing.
8/12/03	Cargill (Sioux City)	3	**Variance Denial**	AQ	Preziosi	Negotiating before filing.
8/16/03	Cedar Rapids, City of	1	**Order/Penalty**	WW	Murphy	9/24/03 – Settlement offer. 11/06/03 – Response from City. 11/12/03 – DNR response.
8/19/03	Harlan, City of	4	**Order**	WW	Hansen	**10/15/03 – Plans and specs received from City engineer. 1/13/04 – Dept. issued construction permit for WWTF project.**
8/29/03	Country Living Mobile Home Park	5	**Order/Penalty**	WW	Hansen	**9/17/03 – Facility engineer to**

						work with DNR engineer on revised schedule. 1/30/04 – Project status report requested from Dept. engineer.
8/29/03	The Welco Group; David Levin; Kwik Trip	6	**Order/Penalty**	UT	Wornson	Compliance achieved. Await penalty/tank fees payment.
9/02/03	Kent Kiburz	2	**Order/Penalty**	SW	Tack	Negotiating before filing.
9/04/03	Easter Enterprises, Inc.	5	**Order/Penalty**	UT	Wornson	Compliance initiated, prepare settlement document.
9/05/03	Strawberry Point, City of	1	**Order/Penalty**	WW	Murphy	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
9/08/03	Central Counties Cooperative	5	**Order/Penalty**	AQ	Book	Negotiating before filing.
10/01/03	Casey's Marketing Co. UST#8606588, Jefferson	4	**Order/Penalty**	UT	Wornson	Negotiating before filing.
10/06/03	Custom Feeds, Inc.	6	**Order/Penalty**	AQ	Book	Settled. Consent amendment issued. Awaiting penalty payment.
10/06/03	Dennis Bandstra d/b/a Big Dutch	3	**Order/Penalty**	AQ	Book	Negotiating before filing.
10/08/03	TEGH, Inc. (03-UT-15)	6	**Order/Penalty**	UT	Wornson	Negotiating before filing.
10/08/03	D & S Swine, LLC	2	**Order/Penalty**	AFO	Murphy	11/26/03 – DNR contact with attorney.
10/17/03	River Valley Farms	5	**Order/Penalty**	AFO	Clark	Negotiating before filing.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	**Order/Penalty**	UT	Wornson	Negotiating before filing.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	**Order/Penalty**	UT	Wornson	Negotiating before filing.
11/04/03	Tom Wageman	4	**Order/Penalty**	AFO	Clark	Negotiating before filing.
11/18/03	Greenman Technologies	5	**Order/Penalty**	SW	Tack	**Settlement documents signed. SEP to begin in 2/04.**
11/19/03	Harlan Clasen	3	**Order/Penalty**	AQ/SW	Tack	Negotiating before filing.
11/19/03	Ron Fisher Furniture	1	**Amended Order**	AQ	Preziosi	Negotiating before filing.
11/20/03	Siouxland Energy and Livestock Cooperative	3	**Order/Penalty**	AQ/ WW/ HC	Book	**Continuing negotiations.**
11/20/03	ADM – Clinton	6	**Permit Conditions**	AQ	Preziosi	Negotiating before filing.
11/21/03	Russell and Kay Barkema; K & R Construction	2	**Order/Penalty**	AQ/SW	Book	**1/04 – Settled. Awaiting consent amendment.**
11/25/03	**W & H Cooperative Oil Co.**	**2**	Order/Penalty	**HC**	**Tack**	**1/07/04 – Penalty payment received. Case closed.**
12/01/03	Rick VanRoekel	3	**Order/Penalty**	AFO	Clark	Negotiating before filing.
12/02/03	Jeff Holland	2	**Order/Penalty**	AFO	Clark	Negotiating before filing.
12/05/03	Boyer's Sand and Rock, Inc.; William Boyer	3	**Order/Penalty**	UT	Wornson	Negotiating before filing.
12/15/03	AGP (Emmetsburg)	3	**Permit Conditions**	AQ	Preziosi	Negotiating before filing.
12/22/03	Pocahontas, City of	3	**Order/Penalty**	WW	Murphy	**Meeting scheduled for 2/3/04.**
12/29/03	T. Patrick Cashman; Laurie Cashman	5	**Order/Penalty**	AFO	Clark	Negotiating before filing.
1/05/04	Richard Reiter; Jerald Reiter (Jackson Co.)	1	**Order/Penalty**	AFO	Murphy	New case.
1/05/04	Richard Reiter; Jerald Reiter (Dubuque Co.)	1	**Order/Penalty**	AFO	Murphy	New case.
1/21/04	Bob Kerrigan	4	**Order/Penalty**	AFO	Clark	New case.
1/22/04	Van Veldhuizen Dairy	3	**Order/Penalty**	AFO	Book	New case.
1/22/04	Nestle Purina Pet Care	1	**Permit Conditions**	AQ	Book	**New case. Negotiating.**
1/29/04	Loru Farm Partnership	3	**Order/Penalty**	AFO	Book	New case.

Iowa Department of Natural Resources
Environmental Services
Report of WW By-Passes

During the period January 1, 2004 through January 31, 2004, 5 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '03	8(5)	0.182	0.010	3	1(0)
November '03	4(3)	0.701	0.264	2	0(0)
December '03	11(4)	0.209	0.065	2	0(0)
January '04	5(3)	0.479	0.165	3	0(0)
February '03	4(5)	0.8	0.016	2	0(0)
March '03	7(10)	0.1	0.03	2	0(0)
April '03	8(5)	0.3	0.02	1	0(0)
May '03	9(2)	0.717	0.019	4	0(0)
June '03	6(3)	0.290	0.019	3	0(0)
July '03	5(6)	0.496	0.580	2	0(0)
August '03	2(9)	0.354	0.054	0	0(0)
September '03	4(5)	0.177	0.006	1	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
3	0	1	0	1	0

INFORMATIONAL ONLY

GENERAL DISCUSSION

Wayne Gieselman said that the Water Quality Bureau will be involved with process improvement starting this week.

There will be five public hearings on the NOIA for the hydrogen sulfide HEV/HES will be held on in February and March at various locations. Comments may be submitted orally or in writing during the public meetings. All comments must be received no later than April 8, 2004.

NEXT MEETING DATES

March 15, 2004
April 19, 2004
May 17, 2004

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Kathryn Murphy adjourned the meeting at 5:25 p.m., Monday, February 16, 2004.

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Jeffrey R. Vonk, Director

_____
Kathryn Murphy, Chair

_____
Lisa Davis Cook, Secretary

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